TITLE 2—THE CONGRESS

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CHAPTER 3—COMPENSATION AND ALLOWANCES OF MEMBERS

Sec.

31a–1. Expense allowance of Majority and Minority Leaders of Senate; expense allowance of Majority and Minority Whips; methods of payment; taxability [New].

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32b. Expense allowance of President Pro Tempore of Senate; methods of payment; taxability [New].

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(b) Payment of salaries of appointed employees; funding; maximum amount.

(c) Payment of transportation and per diem expenses of Senator-elect and appointed employees for one round trip from home State to Washington, D.C. for business of impending Congress; funding; maximum amount.

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58a. Wide Area Telephone Service for Senators; authorization for payment from contingent fund [New].

59c. Disposal of used or surplus furniture and equipment by Sergeant at Arms and Doorkeeper of the Senate; procedure; deposit of receipts [New].

§ 31. Compensation of Members of Congress

MAXIMUM RATE OF SALARY OR BASIC PAY IN LEGISLATIVE, EXECUTIVE, AND JUDICIAL BRANCHES FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979, FOR POSITIONS EQUAL OR ABOVE LEVEL V OF EXECUTIVE SCHEDULE

Limitations on use of funds for fiscal year ending Sept. 30, 1979, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal or above Level V of the Executive Schedule, see section 304 of Pub. L. 95–391 and section 613 of Pub. L. 95–429, set out as a note under section 5318 of Title 5, Government Organization and Employees.

PAY INCREASES EFFECTIVE FOR PAY PERIOD BEGINNING ON OR AFTER OCTOBER 1, 1978

Pursuant to the Authority vested in him by Pub. L. 94–82, the President, under Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, set out as a note under section 5332 of Title 5, Government Organization and Employees, adjusted the annual rate of pay for the following positions, effective on the first day of the first applicable pay period beginning on or after Oct. 1, 1978:

Senator	*$60,700
Member of the House of Representatives	*60,700
Delegate to the House of Representatives	*60,700
Resident Commissioner from Puerto Rico	*60,700
President pro tempore of the Senate	**58,600
Majority leader and minority leader of Senate	**58,600
Majority leader and minority leader of House of Representatives.	**58,600
Speaker of the House of Representatives	***79,100

Pursuant to the Legislative Branch Appropriation Act, 1979, funds are not available to pay a salary at a rate which exceeds the rate in effect on September 30, 1978, as follows:

*$57,500
**$65,000
***$75,000

1977 COMPARABILITY ADJUSTMENT NOT EFFECTIVE FOR MEMBERS OF CONGRESS

Pub. L. 95–66, § 1(2), July 11, 1977, 91 Stat. 270, set out as a note under section 5318 of Title 5, Government Organization and Employees, provided that the first adjustment which, but for the enactment of Pub. L. 95–66, would have been made in the annual rate of pay for Members of Congress under paragraph (2) of this section after July 11, 1977, would not take effect.

PAY INCREASES EFFECTIVE FOR PAY PERIOD BEGINNING ON OR AFTER OCTOBER 1, 1976

Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43899, as amended by Ex. Ord. No. 11943, Oct. 25, 1976, 41 F.R. 47213, which provided for the adjustment of pay rates effective Oct. 1, 1976, was superseded by Ex. Ord. No. 12010, Sept. 28, 1977, 42, F.R. 52365, set out as a note under section 5332 of Title 5, Government Organization and Employees.

PAY INCREASES EFFECTIVE FOR PAY PERIOD BEGINNING ON OR AFTER OCTOBER 1, 1975

Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, which provided for the adjustment of pay rates effective Oct. 1, 1975, was superseded by Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43899, as amended by Ex. Ord. No. 11943, Oct. 25, 1976, 41 F.R. 47213, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees.

§ 31a–1. Expense allowance of Majority and Minority Leaders of Senate; expense allowance of Majority and Minority Whips; methods of payment; taxability

Effective fiscal year 1978 and each fiscal year thereafter, the expense allowances of the Majority and Minority Leaders of the Senate are increased to $10,000 each fiscal year for each

leader: *Provided,* That, effective April 1, 1977, there is hereby authorized an expense allowance for the Majority and Minority Whips of the Senate which shall not exceed $2,500 each fiscal year for each Whip: *Provided further,* That, during the period beginning on January 3, 1977, and ending September 30, 1977, and during each fiscal year thereafter, the Vice President, the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip may receive the expense allowance (a) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the Vice President, the respective Leader or the respective Whip, or (b) in equal monthly payments: *Provided further,* That effective January 3, 1977, the amounts paid to the Vice President, the Majority or Minority Leader of the Senate, or the Majority or Minority Whip of the Senate as reimbursement of actual expenses incurred upon certification and documentation pursuant to the second proviso of this section shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under title 26.

(Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 79; Pub. L. 95-94, title I, § 109, Aug. 5, 1977, 91 Stat. 661; Pub. L. 95-355, title I, § 100, Sept. 8, 1978, 92 Stat. 532.)

CODIFICATION

Section is based on the three provisos in the paragraph under the heading "Expense Allowances of the Vice President, Majority and Minority Leaders and Majority and Minority Whips" in the appropriation for the Senate in the Supplemental Appropriations Act, 1977 (Pub. L. 95-26), and section 109 of the Legislative Branch Appropriation Act, 1978 (Pub. L. 95-94).

AMENDMENTS

1978—Pub. L. 95-355 substituted provisions increasing allowances for each leader to $10,000 each fiscal year, effective fiscal year 1978 and each fiscal year thereafter, for provisions authorizing not to exceed $5,000 each fiscal year for each leader, effective with fiscal year 1977 and each fiscal year thereafter.

§ 31b-5. Staff assistance to former Speaker for administration, etc., of matters pertaining to incumbency in office as Representative and Speaker; compensation and status of staff

In order to provide staff assistance to the Speaker in connection with the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives, the contingent fund of the House is hereby made available, for as long as he determines there is need therefor, commencing at the expiration of the term of office of the Speaker as a Representative in Congress to enable the Clerk of the House to pay the salaries of an Administrative Assistant, who shall be paid at a basic per annum rate of not to exceed $3,000, as determined by the Speaker, a Secretary, who shall be paid at a basic per annum rate of not to exceed $3,000, as determined by the Speaker, and an additional Secretary, who shall be paid at a gross per annum rate of not to exceed $9,000 as determined by the Speaker, designated and appointed by the Speaker to serve as members of his office staff in such period. Each person so designated and appointed shall be held and considered, for the duration of such appointment, as—

(1) an "employee" for the purposes of subchapter I of chapter 81 (relating to compensation for work injuries) of title 5, and

(2) a "congressional employee" within the meaning of section 2107 of title 5, for the purposes of—

(A) subchapter III (relating to civil service retirement) of chapter 83 of such title,

(B) chapter 87 (relating to Federal employees group life insurance) of such title, and

(C) chapter 89 (relating to Federal employees group health insurance) of such title.

(As amended Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Amendment by Pub. L. 95-94 is based on section 2 of House Resolution No. 1576, Ninety-fourth Congress, Sept. 30, 1976, which was enacted into permanent law by Pub. L. 95-94.

In the credit for Pub. L. 91-665, appearing in the main edition, 84 Stat. 1939 should read 84 Stat. 1989.

AMENDMENTS

1977—Pub. L. 95-94 added reference to an additional Secretary paid at a gross per annum of not to exceed $9,000 as determined by the Speaker and struck out "as Administrative Assistant or Secretary" following "Each person so designated and appointed".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 2 of H. Res. 1576 provided in part that amendment is effective on the date of enactment of such section 2 into permanent law, Aug. 5, 1977, the date of approval of Pub. L. 95-94. See Codification note set out above.

§ 32a. Compensation of Deputy President pro tempore of Senate

Effective January 5, 1977, the compensation of a Deputy President pro tempore of the Senate shall be at a rate equal to the rate of annual compensation of the President pro tempore and the Majority and Minority Leaders of the Senate.

(Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 79.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 32b. Expense allowance of President Pro Tempore of Senate; methods of payment; taxability

Effective with fiscal year 1978 and each fiscal year thereafter, there is hereby authorized an expense allowance for the President Pro Tempore which shall not exceed $10,000 each fiscal year. The President Pro Tempore may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President Pro Tempore, or (2) in equal monthly payments. Such amounts paid to the President Pro Tempore as reimbursement of actual expenses

incurred upon certification and documentation pursuant to this provision, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under title 26.

(Pub. L. 95-355, title I, § 100, Sept. 8, 1978, 92 Stat. 532.)

§ 41. Newspapers

APPLICABILITY OF PROHIBITION DURING NINETY-FIFTH CONGRESS

Section 302(c) of House Resolution No. 287, Ninety-fifth Congress, Mar. 2, 1977, enacted into permanent law by Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, provided that: "Chapter 8, section 1 of the Act of February 12, 1868 (2 U.S.C. 41) shall have no effect during the Ninety-fifth Congress."

§ 42a. Airmail and special delivery postage allowances for President of the Senate

CODIFICATION

Section 506(h)(1) of Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1508, cited as a credit to this section, was redesignated section 506(i)(1) by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 506(i), formerly § 506(h), of Pub. L. 92-607, redesignated by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, provided in part that the amendment by Pub. L. 92-607 is effective Jan. 1, 1973.

§ 43b. Reimbursement of Members of House of Representatives for additional transportation expenses

CODIFICATION

Section 506(h)(2) of Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1508, cited as a credit to this section, was redesignated section 506(i)(2) by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 506(i), formerly § 506(h), of Pub. L. 92-607, redesignated by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, provided in part that the amendment by section 506(i)(2) of Pub. L. 92-607 [which struck out in its entirety the first par. of this section providing for the reimbursement of Senators and employees of Senators for travel expenses to the Senator's home state] is effective Jan. 1, 1973.

§ 43d. Organizational expenses of Senator-elect

(a) Appointment of employees by Secretary of Senate to assist; termination of employment

Upon the recommendation of a Senator-elect (other than an incumbent Senator or a Senator elected to fill a vacancy), the Secretary of the Senate shall appoint two employees to assist such Senator-elect. Any employee so appointed shall serve through the day before the date on which the Senator-elect recommending his appointment commences his service as a Senator, except that his employment may be terminated before such day upon recommendation of such Senator-elect.

(b) Payment of salaries of appointed employees; funding; maximum amount

(1) Salaries of employees appointed under subsection (a) of this section shall be paid from the appropriation for "Administrative, Clerical, and Legislative Assistance to Senators".

(2) Salaries paid to employees appointed upon recommendation of a Senator-elect under subsection (a) of this section shall be charged against the amount of compensation which may be paid to employees in his office under section 61-1(d) of this title (hereinafter referred to as the "clerk-hire allowance"), for the fiscal year in which his service as a Senator commences. The total amount of salaries paid to employees so appointed upon recommendation of a Senator-elect shall be charged against his clerk-hire allowance for each month in such fiscal year beginning with the month in which his service as a Senator commences (until the total amount has been charged) by whichever of the following amounts is greater: (1) one-ninth of the amount of salaries so paid, or (2) the amount by which the aggregate amount of his clerk-hire allowance which may be paid as of the close of such month under section 61-1(d)(1)(B) of this title exceeds the aggregate amount of his clerk-hire allowance actually paid as of the close of such month.

(c) Payment of transportation and per diem expenses of Senator-elect and appointed employees for one round trip from home State to Washington, D.C. for business of impending Congress; funding; maximum amount

Each Senator-elect and each employee appointed under subsection (a) of this section is authorized one round trip from the home State of the Senator-elect to Washington, D.C., and return, for the purposes of attending conferences, caucuses, or organizational meetings, or for any other official business connected with the impending Congress. In addition, each Senator-elect and each such employee is authorized per diem for not more than seven days while en route to and from Washington, D.C., and while in Washington, D.C. Such transportation and per diem expenses shall be in the same amounts as are payable to Senators and employees in the office of a Senator under section 58(e) of this title, and shall be paid from the contingent fund of the Senate upon itemized vouchers certified by the Senator-elect concerned and approved by the Secretary of the Senate.

(d) Payment of telegram and telephone charges incurred by Senator-elect; funding; maximum amount

(1) Each Senator-elect is authorized to be reimbursed for expenses incurred for telegrams and telephone services related to his position as a Senator-elect in an amount not exceeding one-twelfth of the total amount of expenses authorized to be paid to or on behalf of a Senator from the State which he will represent under section 58 of this title. Reimbursement to a Senator-elect under this subsection shall be paid from the contingent fund of the Senate upon itemized vouchers certified by such Senator-elect and approved by the Secretary of the Senate.

(2) Amounts reimbursed to a Senator-elect under this subsection shall be charged against the amount of expenses which are authorized to be paid to him or on his behalf under section 58 of this title, for each of the twelve months beginning with the month in which his service

as a Senator commences (until all of such amounts have been charged) by whichever of the following amounts is greater: (1) one-twelfth of the amounts so reimbursed, or (2) the amount by which the aggregate amount authorized to be so paid under section 58(c) of this title as of the close of such month exceeds the aggregate amount actually paid under such section 58 as of the close of such month.

(Pub. L. 95-355, title I, § 105(a)-(d), Sept. 8, 1978, 92 Stat. 534.)

EFFECTIVE DATE

Section 105(e) of Pub. L. 95-355 provided that: "This section [enacting this section] shall take effect on October 1, 1978."

§ 46a. Stationery allowance for President of the Senate

CODIFICATION

Section 506(h)(3) of Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1508, cited as a credit to this section, was redesignated section 506(i)(3) by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 506(i), formerly § 506(h), of Pub. L. 92-607, redesignated Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, provided in part that the amendment by Pub. L. 92-607 is effective Jan. 1, 1973.

§ 46a-1. Senate revolving fund for stationery allowances; availability of unexpended balances; withdrawals

CODIFICATION

Section 506(i) of Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1508, cited as a credit to this section, was redesignated section 506(j) by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 506(j), formerly § 506(i), of Pub. L. 92-607, redesignated, by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, provided in part that the amendment of this section is effective Jan. 1, 1973.

§ 46a-3. Repealed. Pub. L. 92-607, ch. V, § 506(i)(4), formerly § 506(h)(4), Oct. 31, 1972, 86 Stat. 1508, redesignated Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773

EFFECTIVE DATE OF REPEAL

Section 506(i), formerly § 506(h), of Pub. L. 92-607, as amended by Pub. L. 93-145, § 101, Nov. 1, 1973, 87 Stat. 532, and redesignated by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, provided in part that, insofar as this section has application to Senators, the repeal of this section is effective Jan. 1, 1973.

§ 46d-4. Repealed. Pub. L. 92-607, ch. V, § 506(i)(5), formerly § 506(h)(5), Oct. 31, 1972, 86 Stat. 1508, redesignated Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773

EFFECTIVE DATE OF REPEAL

Section 506(i) formerly § 506(h), of Pub. L. 92-607, redesignated by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, provided in part that the repeal of this section is effective Jan. 1, 1973.

§ 46e. Repealed. Pub. L. 92-607, ch. V, § 506(i)(6), formerly § 506(h)(6), Oct. 31, 1972, 86 Stat. 1508, redesignated Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773

EFFECTIVE DATE OF REPEAL

Section 506(i), formerly § 506(h), of Pub. L. 92-607, redesignated by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, provided in part that the repeal of this section is effective Jan. 1, 1973.

§§ 52, 53. Repealed. Pub. L. 92-607, ch. V, § 506(i)(7), formerly § 506(h)(7), Oct. 31, 1972, 86 Stat. 1508, redesignated Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773

EFFECTIVE DATE OF REPEAL

Section 506(i), formerly § 506(h), of Pub. L. 92-607, redesignated by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773, provided in part that the repeal of these sections is effective Jan. 1, 1973.

§ 56. Office expenses within the District of Columbia of the Delegate from the District of Columbia

REIMBURSEMENT OF EXPENSES OF HOUSE MEMBERS; MEMBER OF HOUSE OF REPRESENTATIVES AND MEMBER DEFINED

Section 302(a), (b), and (d) of House Resolution No. 287, Ninety-fifth Congress, Mar. 2, 1977, enacted into permanent law by Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, provided that:

"(a) Notwithstanding any other provision of law and until otherwise provided by law—

"(1) effective January 3, 1977, each Member of the House of Representatives shall be entitled to reimbursement under the nineteenth paragraph under the subheading 'CONTINGENT EXPENSES OF THE HOUSE' under the heading 'HOUSE OF REPRESENTATIVES' in the Legislative Appropriation Act, 1955 (2 U.S.C. 122a), or under chapter 4, section 401, of the Supplemental Appropriations Act, 1972 (2 U.S.C. 56), for any official expense incurred in the United States; and

"(2) the Clerk of the House may make disbursements under the paragraph referred to in paragraph (1) by (A) direct payment to the person from whom goods or services are obtained by the Member involved under such paragraph; or (B) reimbursement to the Member involved or person designated by the Member.

"(b) Effective January 3, 1978, notwithstanding any other provision of law and until otherwise provided by law, and conditional upon the adoption of a House rule prohibiting Members of the House of Representatives from maintaining unofficial office accounts, the entitlement of each Member of the House of Representatives under the nineteenth paragraph under the subheading 'CONTINGENT EXPENSES OF THE HOUSE' under the heading 'HOUSE OF REPRESENTATIVES' in the Legislative Appropriation Act, 1955 (2 U.S.C. 122a), or under chapter 4, section 401, of the Supplemental Appropriation Act, 1972 (2 U.S.C. 56), shall not exceed $7,000 annually.

"(d) For purposes of this section, the terms 'Member of the House of Representatives' and 'Member' mean each Representative in, or Delegate or Resident Commissioner to, the House of Representatives."

Section 302(a), (b), and (d) of House Resolution No. 287 is also set out as a note under section 122a of this title. Section 302(c) of such resolution is set out as a note under section 41 of this title.

§ 57. Adjustment of allowances by Committee on House Administration

COMMITTEE ORDER NO. 25

Resolved, that effective immediately prior to noon on January 3, 1977, until otherwise provided by order

of the Committee on House Administration, the allowance for airmail and special delivery stamps authorized by 2 U.S.C. 42c and 42d shall be reduced from its existing level to one dollar per session.

COMMITTEE ORDER No. 26

Resolved, that effective immediately prior to noon, January 3, 1977, until otherwise provided by Order of the Committee on House Administration, each Member of the House of Representatives shall be entitled to annual clerk-hire allowance of $238,584.00 for not to exceed 18 clerks. The amount of this allowance may be adjusted by the Committee on House Administration subsequent to the adoption of this order to reflect any adjustment to federal salary levels that occur under the Federal Pay Comparability Act of 1971.

The Committee on House Administration of the House of Representatives shall promulgate such regulations as may be necessary to carry out the provisions of this resolution.

"Member" means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER No. 27

Resolved, that effective September 1, 1976, until otherwise provided by order of the Committee on House Administration, reimbursements to Members for authorized expenditures shall be made only as prescribed by regulations of, and on forms issued by the Committee on House Administration.

"Member" means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER No. 28

Resolved, that effective immediately prior to noon on January 3, 1977, until otherwise provided by Order of the Committee on House Administration, if a Member elects to utilize WATS or similar service in his or her office in the District of Columbia, the Telecommunications Allowance shall be reduced by one-half. The Committee on House Administration shall promulgate regulations to implement this order and ensure adequate telecommunications service for Members representing districts where WATS or similar service is not available.

"Member" means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER No. 29

Resolved, that effective immediately prior to noon on January 3, 1977, until otherwise provided by Order of the Committee on House Administration, a Member may at any time during a session of Congress:

1—Receive in lieu of transportation authorized under 2 U.S.C. 43b a lump sum payment not to exceed $1.00 per session.

2—Withdraw a sum not to exceed $1.00 per session from his or her stationery account.

3—Receive under the provisions of 2 U.S.C. 122a an amount not to exceed $1.00 per session for official expenses outside the District of Columbia unless such Member submits an itemization of the expenses for which such Member seeks reimbursement.

The Committee on House Administration of the House of Representatives shall promulgate such regulations as may be necessary to carry out the provisions of this resolution.

"Member" means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER No. 30

Resolved, that effective immediately prior to noon on January 3, 1977, until otherwise provided by Order of the Committee on House Administration, Members may elect to transfer the authorization to expend funds among the following allowances.

1. Constituent Communication Allowance.
2. Official Expenses Outside the District of Columbia Allowance.
3. Stationery Allowance.
4. Equipment Lease Allowance.
5. Travel Allowance for Members and Designated Employees. The maximum amount transferable will be limited to an amount computed as follows:

64 times the rate per mile between the District of Columbia and the furthest point in the Member's District, according to the Rand McNally Standard Highway Mileage Guide. In no case shall this amount be less than $2,250. The following rates per mile apply:

Under 500 miles	$.15/mile
At least 500 but under 750 miles	.14/mile
At least 750 but under 1000 miles	.13/mile
At least 1000 but under 1750 miles	.12/mile
At least 1750 but under 2250 miles	.11/mile
At least 2250 but under 2500 miles	.10/mile
At least 2500 but under 3000 miles	.09/mile
3000 miles or over	.08/mile

6. Telephone and Telegraph Allowance. The maximum amount transferable will be limited to an amount computed as follows:

15,000 minutes times the highest long-distance telephone rate from the District of Columbia to the Member's District.

If the Member has elected to utilize WATS or similar service in his or her office in the District of Columbia, the amount will be reduced by one-half.

7. District Office Rental Allowance. The maximum amount transferable will be computed as follows:

1500 times the highest allowable GSA rental cost per square foot for office space in the Member's District.

Additionally, a Member may transfer a maximum of $12,000 per regular session of Congress for computer and related services and a maximum of $3,000 per regular session of Congress for Office Equipment leasing for his or her clerk-hire allowance.

All transfers made under this order shall be among the several above-stated categories and for the necessary and official expenses incurred by the Member in the conduct of his or her duties as a Member of the House of Representatives.

In the event the House precludes the use of the contingent fund of the House for implementation of this committee order, the status quo anti shall be restored as respects the individual accounts and allowances heretofore established by committee order or regulation prior to the adoption of this committee order.

The Committee on House Administration of the House of Representatives shall promulgate such regulations as may be necessary to carry out the provisions of this resolution.

"Member" means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

COMMITTEE ORDER No. 31

Resolved, that effective April 1, 1977, until otherwise provided by order of the Committee on House Administration, each Member, Delegate or Resident Commissioner of the House of Representatives may compensate employees from the clerk-hire allowance at a per annum rate equivalent to, and not to exceed, the highest per annum rate of basic pay, as in effect from time to time, authorized for Level V of the Executive Schedule (5 U.S.C. 5316).

TO ACCOMPANY COMMITTEE ORDER No. 31

This order will tie the maximum annual rate of compensation which may be paid from the clerk-hire allowance to the Executive Schedule, and will reestablish the previously existing parity between the maximum which may be paid a committee employee, and

the maximum which may be paid a clerk-hire employee.

The Order raises the ceiling from its present level of $39,600 to $47,500, which corresponds to a Level V position, but provides *no* additional funds to the clerk-hire allowance. If a Member desires to raise an employee's salary, it must be done from the existing allowance.

This action is clearly within the Committee's authority under 2 U.S.C. 57 as modified by H.Res. 1372 (P.L. 94-440) [2 U.S.C. 57a], because it sets a "term or condition" of an allowance, and does not fix or adjust the amount of an allowance, which action would require a vote on the House floor.

§ 58. Mail, telegraph, telephone, stationery, office supplies, and home state office and travel expenses for Senators

(a) Authorization for payment from contingent fund

Effective January 1, 1973, and thereafter, the contingent fund of the Senate is made available for payment to or on behalf of each Senator, upon certification of the Senator, for the following expenses incurred by the Senator and his staff:

(1) official telegrams and long-distance telephone calls and related services;

[See main edition for text of (2) to (6)]

(7) reimbursement to each Senator for charges for subscriptions to newspapers, magazines, periodicals, or clipping or similar services;

(8) subject to the provisions of subsection (e) of this section, reimbursement of travel expenses incurred by the Senator and employees in his office; and

(9) reimbursement to each Senator for such other official expenses as the Senator determines are necessary (not including official office expenses incurred in his State, but including actual transportation expenses incurred by the Senator and employees in his office in the performance of official business in the metropolitan area of Washington, District of Columbia, or, in the case of employees assigned to an office of the Senator in his home State, incurred by such employees in the performance of official business in the general vicinity of the office to which assigned), but only to the extent such expenses do not exceed for any calendar year ten percent of the total amount of expenses authorized to be paid to or on behalf of such Senator under this section for such calendar year.

Reimbursement to a Senator and his employees under this section shall be made only upon presentation of itemized vouchers for expenses incurred and, in the case of expenses reimbursed under paragraph (9), only upon presentation of detailed itemized vouchers for such expenses. The reports of the Secretary of the Senate under section 104a of this title shall contain a separate section setting forth, in detail, all expenses reimbursed under paragraph (9) to each Senator. No reimbursement shall be made under paragraph (5) or (9) for any expense incurred for entertainment or meals.

(b) Limits for authorized expenses

(1) Except as otherwise provided in paragraph (2) of this subsection, the total amount of expenses authorized to be paid to or on behalf of a Senator under this section shall not exceed for calendar year 1977 or any calendar year thereafter an amount equal to one-half of the sum of the amounts authorized to be paid under this section on the day before August 5, 1977, to or on behalf of both of the Senators from the State which he represents, increased by an amount equal to ten percent thereof and rounded to the next higher multiple of $1,000.

[See main edition for text of (2); (c) and (d)]

(e) Transportation and per diem expenses; coverage; limitations; amounts

A Senator and the employees in his office shall be reimbursed under this section only for actual transportation expenses and per diem expenses (but not exceeding actual travel expenses) incurred by the Senator or employee while traveling on official business within the United States. In the case of an employee, reimbursement shall be made only for trips which begin and end in Washington, District of Columbia, or, in the case of an employee assigned to an office of a Senator in the Senator's home State, on trips which begin and end at the place where such office is located. However, a Senator or an employee in the office of a Senator shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 431(b) of this title), unless his candidacy in such election is uncontested. Reimbursement of per diem expenses under this subsection shall be at the rates in effect under section 5702 of title 5 for employees of agencies. For purposes of this subsection and subsection (a)(8) of this section, an employee in the Office of the President pro tempore, Deputy President pro tempore, Majority Leader, Minority Leader, Majority Whip, or Minority Whip shall be considered to be an employee in the office of the Senator holding such Office.

[See main edition for text of (f) and (g)]

(h) Individuals serving on panels or other bodies recommending nominees for Federal judgeships or service academies

(1) For purposes of subsections (a) and (e) of this section, an individual who is selected by a Senator to serve on a panel or other body to make recommendations for nominees to one or more Federal judgeships or to one or more service academies shall be considered to be an employee in the office of that Senator with respect to travel and official expenses incurred in performing duties as a member of such panel or other body, and shall be reimbursed (A) for actual transportation expenses and per diem expenses (but not exceeding actual travel expenses) incurred while traveling in performing such duties within the Senator's home State or between that State and Washington, District of Columbia, and each of the service academies, (B) for official expenses incurred in performing

such duties. For purposes of this subsection and subsection (a) of this section, "official expenses" means expenses of the type for which reimbursement may be made under subsection (a)(9) of this section when such expenses are incurred by or on behalf of a Senator, and, for accounting purposes, such expenses shall be treated as expenses for which reimbursement may be made under subsection (a)(5) of this section.

(2) The amount of official expenses incurred by individuals selected by a Senator for which reimbursement may be made under this subsection shall not exceed $500 each calendar year, and the total amount of expenses incurred by such individuals for which reimbursement may be made under this subsection shall not exceed $3,000 each calendar year.

(As amended Pub. L. 95-94, title I, § 112(a)-(c), Aug. 5, 1977, 91 Stat. 663, 664; Pub. L. 95-240, title II, § 208, Mar. 7, 1978, 92 Stat. 117; Pub. L. 92-607, ch. V, § 506(h), as added Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773.)

REFERENCES IN TEXT

Section 53 of this title referred to in subsec. (b)(1)(D) was repealed by Pub. L. 92-607, ch. V, § 506(i)(7), formerly § 506(h)(7), Oct. 31, 1972, 86 Stat. 1508, redesignated by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773.

CODIFICATION

Section consists of subsecs. (a) to (h) of section 506 of Pub. L. 92-607, as amended. Original subsecs. (h) and (i) which made certain amendments and repeals to sections of this title that contained the provisions now covered by this section, and subsec. (j) which amended earlier appropriations not classified to the Code, were redesignated as subsecs. (i) to (k) by Pub. L. 95-391, title I, § 108(a), Sept. 30, 1978, 92 Stat. 773.

AMENDMENTS

1978—Subsec. (e). Pub. L. 95-240 added references to the President pro tempore and the Deputy President pro tempore.

Subsec. (h). Pub. L. 95-391 added subsec. (h).

1977—Subsec. (a). Pub. L. 95-94, § 112(a), in par. (1) struck out provision requiring authorization by the Committee on Rules and Administration in the manner prescribed by such Committee, in par. (7) struck out "and" at the end thereof, in par. (8) substituted provisions requiring reimbursement of travel expenses incurred by the Senator and employees in his office subject to the provisions of subsec. (e) of this section, for provisions authorizing reimbursement of actual travel expenses incurred by the Senator in travel-on official business between Washington, D.C. and the State he represents and within such State, and travel expenses incurred by employees in the Senator's office subject to the provisions of subsec. (e) of this section, added par. (9), and in material following par. (9) added provisions relating to reimbursement of expenses incurred under par. (9).

Subsec. (b)(1). Pub. L. 95-94, § 112(b), substituted provisions setting forth criteria for determination of total amount of expenses authorized to be paid to or on behalf of a Senator under this section for calendar year 1977 or any calendar year thereafter, for provisions setting forth criteria for determination of total amount of expenses authorized to be paid to or on behalf of a Senator under this section for calendar year 1973 or any calendar year thereafter.

Subsec. (e). Pub. L. 95-94, § 112(c), substituted provisions setting forth prerequisites, conditions, and amounts of reimbursement for actual transportation expenses and per diem expenses, but not exceeding actual travel expenses, incurred by a Senator or employee in his office while traveling on official business within the United States, for provisions setting forth prerequisites, conditions, and amounts of reimbursement for per diem and actual transportation expenses incurred, or actual travel expenses incurred, by an employee in a Senator's office, including employees authorized by Senate Resolution 60, 94th Congress, and former section 72a-1c of this title, for round trips made by the employee on official business by the nearest usual route between Washington, D.C. and the home state of the Senator involved, and in traveling within the state.

EFFECTIVE DATE OF 1978 AMENDMENTS

Section 108(b) of Pub. L. 95-391 provided that: "The amendment made by subsection (a) [enacting subsec. (h) of this section] shall take effect on January 1, 1978."

Section 208 of Pub. L. 95-240 provided in part that the amendment by Pub. L. 95-240 is effective Aug. 5, 1977.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 112(f) of Pub. L. 95-94 provided that: "The amendments made by subsections (a), (c), (d), and (e) [amending subsecs. (a) and (e) of this section and sections 59 and 68b of this title] shall take effect on the date of the enactment of this Act [Aug. 5, 1977]. The amendment made by subsection (b) [amending subsec. (b)(1) of this section] shall take effect as of January 1, 1977."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43d, 68b of this title.

§ 58a. Wide Area Telephone Service for Senators; authorization for payment from contingent fund

Effective as of January 1, 1977, the Sergeant at Arms and Doorkeeper of the Senate shall, at the request of a Senator, furnish not more than two Wide Area Telephone Service (WATS) lines to that Senator, the cost of which shall be paid out of the contingent fund of the Senate.

(Pub. L. 95-94, title I, § 112(g), Aug. 5, 1977, 91 Stat. 665.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 59. Home state office space for Senators; lease of office space

[*See main edition for text of (a) and (b)*]

(c) Maximum annual rental rate; maximum aggregate amount for acquisition of furniture, equipment, and other office furnishings

[*See main edition for text of (1)*]

(2) The aggregate amount that may be paid for the acquisition of furniture, equipment, and other office furnishings heretofore provided by the Administrator of General Services for one or more offices secured for the Senator is $22,550 if the aggregate square feet of office space is not in excess of 4,800 square feet. Such amount is increased by $550 for each authorized additional incremental increase in office space of 200 square feet.

[*See main edition for text of (d)*]

(e) Mobile office

[*See main edition for text of (1) to (4)*]

(5) Reimbursement under paragraph (1) shall be made on a monthly basis and shall be paid upon vouchers approved by the Sergeant at Arms of the Senate.

(As amended Pub. L. 95-26, title I, § 105, May 4, 1977, 91 Stat. 83; Pub. L. 95-94, title I, § 112(d), Aug. 5, 1977, 91 Stat. 664.)

AMENDMENTS

1977—Subsec. (c)(2). Pub. L. 95-94 substituted "$22,550" for "$20,500" and "$550" for "$500".

Subsec. (e)(5). Pub. L. 95-26 substituted "monthly" for "quarterly".

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-94 effective Aug. 5, 1977, see section 112(f) of Pub. L. 95-94, set out as an Effective Date of 1977 Amendment note under section 58 of this title.

§ 59c. Disposal of used or surplus furniture and equipment by Sergeant at Arms and Doorkeeper of the Senate; procedure; deposit of receipts

Effective October 1, 1977, the Sergeant at Arms and Doorkeeper of the Senate is authorized to dispose of used or surplus furniture and equipment by trade-in or by sale through the General Services Administration. Receipts from the sale of such furniture and equipment that has been or will be replaced in kind shall be deposited in the United States Treasury for credit to the appropriation for "Miscellaneous Items" under the heading "Contingent Expenses of the Senate". All other receipts from the sale of such furniture and equipment shall be deposited in the United States Treasury as miscellaneous receipts.

(Pub. L. 95-94, title I, § 103, Aug. 5, 1977, 91 Stat. 660.)

CODIFICATION

Section was taken from the Legislative Branch Appropriation Act, 1978.

CHAPTER 4—OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES

Sec.

60c-4. Withholding of charitable contributions from salaries disbursed by the Secretary of the Senate and from employees of the Architect of the Capitol [New].
- (a) Definitions.
- (b) Notice; deduction and transmission.
- (c) Time of withholding and transmission.
- (d) Amount.
- (e) Provisions as not imposing duty, burden, requirement or penalty upon the United States, Senate, or any officer or employee of the United States; effect of filing paper.
- (f) Rules and regulations.

60e-1c. Withholding of charitable contributions by Clerk of the House of Representatives [New].
- (a) Authority.
- (b) Time of fundraising activities.
- (c) Minimum amounts withheld.
- (d) Duty, burden, or requirement not imposed.

60e-1d. Withholding of charitable contributions; definitions [New].

60j-2. Longevity compensation for telephone operators on United States telephone exchange and members of Capitol Police whose compensation is disbursed by Clerk of House of Representatives [New].

60j-3. Merit compensation [New].
- (a) Employees rated outstanding and exceptional.
- (b) Authorization of merit compensation by Secretary of the Senate and Sergeant at Arms and Doorkeeper of the Senate.
- (c) Prerequisite service.
- (d) Maximum merit compensation.
- (e) Reports to Senate Committee on Appropriations.

61-1a. Availability of appropriated funds for payment to an individual of pay from more than one position; conditions [New].

61g-2. Transferred.

61g-3. Omitted.

61g-4. Appointment and compensation of Executive Assistants to Secretary of the Conference of the Majority and to Secretary of the Conference of the Minority [New].

61g-5. Appointment and compensation of employees in Office of Secretary for the Majority of the Senate and Office of Secretary for the Minority of the Senate; gross compensation [New].

61h to 61h-3. Omitted.

61h-4. Appointment of employees by Majority and Minority Leaders of Senate; compensation [New].

61h-5. Appointment of Assistant to Majority Leader of Senate for Floor Operations and Assistant to Minority Leader of Senate for Floor Operations; compensation [New].

61h-6. Appointment of consultants by Majority Leader, Minority Leader, and Secretary of the Senate; compensation [New].

61j, 61j-1. Omitted.

61j-2. Compensation and appointment of employees by Majority and Minority Whips of Senate [New].

61k. Appointment and compensation of Administrative Assistant, Legislative Assistant, and Executive Secretary for President pro tempore of Senate [New].

61l. Appointment and compensation of Administrative Assistant, Legislative Assistant, and Executive Secretary for Deputy President pro tempore of Senate [New].

64-2. Transfers of funds by Secretary of Senate; approval by Senate resolution; reimbursement [New].

64-3. Reimbursement for United States Capitol Police salaries paid by Senate for service at Federal Law Enforcement Training Center [New].

69a. Orientation seminars, etc., for new Senators and staff members; payment of expenses [New].

72a-1d. Repealed.

72a-1e. Assistance to Senators with committee memberships by employees in office of Senator [New].
- (1) Designation.
- (2) Certification; professional staff privileges.
- (3) Termination.

74a-3. Additional employees in offices of House minority leader, majority whip, and chief majority whip; authorization; compensation [New].

Sec.
74a-4. Additional amounts for personnel and equipment for House majority and minority leaders and majority and minority whips [New].
75-1. Compensation of Clerk of the House of Representatives [New].
77a. Compensation of Sergeant at Arms of the House of Representatives [New].
84a-1. Official Reporter of Debates or Official Reporter to Committees; adjustment of compensation [New].
118a. Officers of Senate [New].
122b. Leasing of office space in home districts of House Members [New].
122c. Determination of disbursable annual amount [New].
122d. Authorization by Committee on House Administration [New].
122e. Office equipment, carpeting, and draperies [New].
122f. Rules and regulations [New].
122g. Definitions [New].
130-1. Participation by House in interparliamentary institutions; reception of members of foreign legislative bodies and foreign officials; meetings with government officials [New].

§ 60a. Omitted

LEGISLATIVE BRANCH APPROPRIATION ACTS

Pub. L. 95-391, title I, § 100, Sept. 30, 1978, 92 Stat. 763, provided in part for the funds for operation of Congress during fiscal year 1979.

Similar provisions for prior fiscal years were contained in Pub. L. 95-94, title I, § 100, Aug. 5, 1977, 91 Stat. 653.

§ 60a-1. Senate pay adjustments; action by President pro tempore of Senate

DIRECTIVE OF THE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES ESTABLISHING A SALARY INCREASE FOR OFFICERS AND EMPLOYEES OF THE SENATE OF THE UNITED STATES UNDER AUTHORITY OF THE FEDERAL PAY COMPARABILITY ACT OF 1970

OCTOBER 9, 1978

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970 [this section], it is hereby—

Ordered,

CONVERSION TO NEW MULTIPLE

SECTION 1. (a) Except as otherwise specified in this Order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this Order, the annual rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate is adjusted to that multiple of $189 which is nearest to but not less than the rate such employee was receiving on October 1, 1978, immediately prior to the application of this Order.

(b) For purposes of this Order—

(1) "employee" includes an officer other than a Senator; and

(2) "annual rate of compensation" does not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended [section 60j of this title], or merit compensation authorized by section 109 of the Legislative Branch Appropriation Act, 1979 [section 60j-3 of this title].

RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper, and the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (1) the annual rate in effect for positions in level III of the Executive Schedule under section 5314 of title 5, United States Code, or (2) an annual rate of compensation which is $1,000 less than the annual rate of compensation of Senators.

(b) The annual rates of compensation of the Secretary for the Majority (other than the present incumbent) and the Secretary for the Minority (as such rates were increased by prior orders of the President pro tempore), and the maximum annual rate of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent) (as such rate was increased by prior orders of the President pro tempore), are further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(c) The annual rates of compensation of the five Senior Counsels in the Office of the Legislative Counsel and the maximum annual rates of compensation of the Assistant Secretary of the Senate, the Parliamentarian, the Financial Clerk, the Assistant to the Majority Leader for Floor Operations, and the Assistant to the Minority Leader for Floor Operations (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $1,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(d)(1) The maximum annual rate of compensation of the Director of the Office of Classified National Security Information in the Office of the Secretary of the Senate is increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisions of this paragraph, an individual occupying the position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $189 which is at least $2,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(2) The maximum annual rate of compensation of the Special Deputy to the Federal Elections Commission in the Office of the Secretary of the Senate (as such rate was increased by prior orders of the President pro tempore) is further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisons of this paragraph, an individual occupying the position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $189 which is at least $2,500 less than the annual rate of compensation, which is now or may hereafter be in

effect, for those positions referred to in subsection (a) of this section.

(3) The maximum annual rate of compensation of the Chief Reporter of Debates (as such rate was increased by prior orders of the President pro tempore) is further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisions of this paragraph, an individual occupying the position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $189 which is at least $3,900 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(4) The maximum annual rates of compensation of the seven Reporters of Debates in the Office of the Secretary of the Senate (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $189 which is at least $4,300 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(5) The maximum annual rates of compensation of the Administrative Assistant in the Office of the President pro tempore and the Office of the Deputy President pro tempore (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisons of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $189 which is at least $4,800 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(6) The maximum annual rates of compensation of the Executive Assistant in the Office of the Secretary of the Conference of the Majority and the Office of the Secretary of the Conference of the Minority (as such rates were increased by prior orders of the President pro tempore) are further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189. Notwithstanding the provisons of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $189 which is at least $5,900 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain and the maximum annual rate of compensation for the position of secretary to the Chaplain are increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189.

OFFICES OF THE SENATE

SEC. 4. (a) The maximum annual rates of compensation for positions or classes of positions (other than those positions referred to in sections 2(c) and (d) of this Order) under the jurisdiction of the President pro tempore, the Deputy President pro tempore, the Secretary of the Conference of the Majority, the Secretary of the Conference of the Minority, the Secretary of the Senate, and the Sergeant at Arms are increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189.

(b) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189:

(1) the Vice President, for any employee under his jurisdiction;

(2) the President pro tempore, for any employee under his jurisdiction (subject to the provisions of section 2(d) of this Order);

(3) The Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under their respective jurisdictions;

(4) the Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2(b) of this Order);

(5) the Majority Leader and the Minority Leader, for the Assistant to the Majority Leader for Floor Operations and the Assistant to the Minority Leader for Floor Operations, respectively (subject to the provisions of section 2(c) of this Order);

(6) the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority, for any employee under their respective jurisdictions (subject to the provisions of section 2(d) of this Order);

(7) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of sections 2(c) and (d) of this Order);

(8) the Sergeant at Arms, for any employee under his jurisdiction;

(9) the Chaplain, for his secretary;

(10) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee under his jurisdiction (other than the five Senior Counsels);

(11) the Secretary for the Majority and the Secretary for the Minority, for any employee under their respective jurisdictions; and

(12) the Capitol Guide Board, for the Chief Guide, the Deputy Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(c) The limitation on the rate per hour per person provided by applicable law immediately prior to October 1, 1978, with respect to the folding of speeches and pamphlets for the Senate, is increased by 5.5 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

(d) The limitations on the gross compensation which may be paid during a fiscal year to employees in the Offices of the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Secretary for the Majority, and the Secretary for the Minority are each increased by 5.5 percent and, as so increased, adjusted to the next higher multiple of $189.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended [section 61-1 of this title] (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate, are each authorized to increase the annual rate of compensation of any employee of the committee, or any subcommittee thereof, of which he is chairman, by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189.

(b)(1) The figures "$21,122" and "$31,862" appearing in section 105(e) of the Legislative Branch Appropri-

ation Act, 1968, as amended [section 61-1(e) of this title] (as provided in section 5(b)(1) of the Order of the President pro tempore of September 29, 1977), shall be deemed to refer to the figures "$22,302" and "$33,642", respectively.

(2) The maximum annual rates of "$52,984", "$55,132", and "$58,175" appearing in such section 105(e) [section 61-1(e) of this title] (as provided in section 5(b)(2) of such Order of September 29, 1977) are each further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189, and shall be deemed to refer to the figures "$55,944", "$58,212", and "$61,425", respectively.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of a standing committee of the Senate or the majority or minority policy committee of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which is at least $5,900, $4,600, and $2,000, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

(4) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of any special or select committee of the Senate or the conference majority or conference minority of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which is at least $5,900, $4,600, and $2,500, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

(5) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which is at least $5,900, $4,800, and $2,900, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended [section 61-1 of this title] (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189.

(b) The table contained in section 105(d)(1) of such Act [section 61-1(d)(1) of this title] shall be deemed to read as follows:

"$508,221 if the population of his State is less than 2,000,000;

"$522,963 if such population is 2,000,000 but less than 3,000,000;

"$558,495 if such population is 3,000,000 but less than 4,000,000;

"$604,233 if such population is 4,000,000 but less than 5,000,000;

"$641,655 if such population is 5,000,000 but less than 7,000,000;

"$680,967 if such population is 7,000,000 but less than 8,000,000;

"$701,757 if such population is 8,000,000 but less than 9,000,000;

"$723,681 if such population is 9,000,000 but less than 10,000,000;

"$756,567 if such population is 10,000,000 but less than 11,000,000;

"$799,659 if such population is 11,000,000 but less than 12,000,000;

"$832,545 if such population is 12,000,000 but less than 13,000,000;

"$874,503 if such population is 13,000,000 but less than 15,000,000;

"$916,461 if such population is 15,000,000 but less than 17,000,000;

"$958,419 if such population is 17,000,000 but less than 19,000,000;

"$989,793 if such population is 19,000,000 but less than 21,000,000;

"$1,021,167 if such population is 21,000,000 or more.".

(c)(1) The second sentence of section 105(d)(2) of such Act [section 61-1(d)(2) of this title] (as modified by prior orders of the President pro tempore) is further modified to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,134 per annum or in excess of $30,807 per annum except that (i) the salaries of three employees may be fixed at rates of not more than the rate referred to in subsection (e)(1), (ii) the salaries of five employees may be fixed at rates of not more than $54,243 per annum, and (iii) the salary of one employee may be fixed at a rate of not more than $56,700 per annum.".

(2) Notwithstanding the modification made by paragraph (1) of this subsection, any individual occupying a position to which a rate referred to in clause (i), (ii), or (iii) of such modification applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which is at least $5,900, $5,400, and $2,500, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

(d) The figures "$149,286" and "$49,762" appearing in subsections (a), (b)(1), and (b)(2) of section 111 of the Legislative Branch Appropriation Act, 1978, as amended [set out as a note under section 61-1 of this title], shall be deemed to refer to the figures "$157,626" and "$52,542", respectively.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,074" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended [section 61-1(f) of this title] (as provided in section 7(a) of the Order of the President pro tempore of September 29, 1977) shall be deemed to refer to the figure "$1,134".

(b)(1) The maximum annual rate of compensation of "$58,175" appearing in such section (as provided in section 7(b)(1) of such Order of September 29, 1977) is further increased by 5.5 percent, and as so increased, adjusted to the next higher multiple of $189, and shall be deemed to refer to the figure "$61,425".

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position to which such rate applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which is at least $2,500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. In order for an employee to receive the increase in his annual rate of compensation pursuant to section 4, 5, or 6, the individual designated to authorize such increase for that employee shall notify the disbursing office of the Senate in writing that he authorizes such increase for that employee and the date on which such increase is to be effective. Such increase shall become effective as provided in section 105(a)(2) of the Legislative Branch Appropriation Act, 1968 [section 61-1(a)(2) of this title], except that if the notice required by the preceding sentence is given on or before October 14, 1978, such increase may become effective on or after October 1, 1978.

DUAL COMPENSATION

SEC. 9. The figure "$10,540" contained in section 5533(c)(1) of title 5, United States Code, shall be deemed to refer to the figure "$12,480".

EFFECTIVE DATE

SEC. 10. Sections 1-9 of this Order are effective October 1, 1978.

JAMES O. EASTLAND,
President pro tempore.

DIRECTIVE OF THE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES ESTABLISHING A SALARY INCREASE FOR OFFICERS AND EMPLOYEES OF THE SENATE OF THE UNITED STATES UNDER AUTHORITY OF THE FEDERAL PAY COMPARABILITY ACT OF 1970

SEPTEMBER 29, 1977

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970 [section 60a-1 of this title], it is hereby—
Ordered,

CONVERSION TO NEW MULTIPLE

SECTION 1. (a) Except as otherwise specified in this Order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this Order, the annual rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate is adjusted to that multiple of $179 which is nearest to but not less than the rate such employee was receiving on October 1, 1977, immediately prior to the application of this Order.

(b) For purposes of this Order—

(1) "employee" includes an officer other than a Senator; and

(2) "annual rate of compensation" shall not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended. [Section 60j of this title].

RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper, and the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (1) the annual rate in effect for positions in level III of the Executive Schedule under section 5314 of title 5, United States Code, or (2) an annual rate of compensation which is $1,000 less than the annual rate of compensation of Senators.

(b) The annual rates of compensation of the Secretary of the Majority (other than the present incumbent) and the Secretary for the Minority (as such rates were increased by prior orders of the President pro tempore), and the maximum annual rate of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent) (as such rate was increased by prior orders of the President pro tempore), are further increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(c)(1) The annual rates of compensation of the four Senior Counsels in the Office of the Legislative Counsel and the maximum annual rates of compensation of the Assistant Secretary of the Senate, the Parliamentarian, and the Financial Clerk (as such rates were increased by prior orders of the President pro tempore) are further increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $1,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(2) The maximum annual rates of compensation of the Assistant to the Majority Leader for Floor Operations and the Assistant to the Minority Leader for Floor Operations are increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $1,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(d)(1) The maximum annual rate of compensation of the Special Deputy to the Federal Elections Commission in the Office of the Secretary of the Senate is increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this paragraph, an individual occupying the position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $179 which is at least $2,500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(2) The maximum annual rate of compensation of the Chief Reporter of Debates (as such rate was increased by prior orders of the President pro tempore) is further increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this paragraph, an individual occupying the position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $179 which is at least $3,900 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(3) The maximum annual rates of compensation of the seven Reporters of Debates in the Office of the Secretary (as such rates were increased by prior orders of the President pro tempore) are further increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $179 which is at least $4,300 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(4) The maximum annual rates of compensation of the Administrative Assistant in the Office of the President pro tempore and the Office of the Deputy President pro tempore are increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of

compensation in excess of the next lowest multiple of $179 which is at least $4,800 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(5) The maximum annual rates of compensation of the Executive Assistant in the Office of the Secretary of the Conference of the Majority and the Office of the Secretary of the Conference of the Minority are increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of the next lowest multiple of $179 which is at least $5,900 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain and the maximum annual rate of compensation for the position of secretary to the Chaplain are increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179.

OFFICE OF THE SENATE

SEC. 4. (a) The maximum annual rates of compensation for positions or classes of positions (other than those positions referred to in sections 2 (c) and (d) of this Order) under the jurisdiction of the Secretary of the Conference of the Majority, the Secretary of the Conference of the Minority, the Secretary of the Senate, and the Sergeant at Arms are increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179.

(b) The following individuals are authorized to increase the annual rates of compensation of the employees specified by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179:

(1) the Vice President, for any employee under this jurisdiction;

(2) the President pro tempore and the Deputy President pro tempore, for any employee under their respective jurisdictions (subject to the provisions of section 2(d) of this Order);

(3) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under their respective jurisdictions;

(4) the Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2(b) of this Order);

(5) the Majority Leader and the Minority Leader, for the Assistant to the Majority Leader for Floor Operations and the Assistant to the Minority Leader for Floor Operations, respectively (subject to the provisions of section 2(c) of this Order);

(6) the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority, for any employee under their respective jurisdictions (subject to the provisions of section 2(d) of this Order);

(7) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of sections 2 (c) and (d) of this Order);

(8) the Sergeant at Arms, for any employee under his jurisdiction;

(9) the Chaplain, for his secretary;

(10) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee under his jurisdiction (other than the four Senior Counsels);

(11) the Secretary for the Majority and the Secretary for the Minority, for any employee under their respective jurisdictions; and

(12) the Capitol Guide Board, for the Chief Guide, the Deputy Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service.

(c) The figure "$1,002", appearing in the first sentence of section 106(b) of the Legislative Branch Appropriation Act, 1963, as amended [section 60j(b) of this title] (as provided in section 4(d) of the Order of the President pro tempore of October 8, 1976), shall be deemed to refer to the figure "$1,074".

(d) The limitation on the rate per hour per person provided by applicable law immediately prior to October 1, 1977, with respect to the folding of speeches and pamphlets for the Senate, is increased by 7.05 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended [enacting section 61–1 of this title and amending section 60j of this title and section 5533 of Title 5] (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate are each authorized to increase the annual rate of compensation of any employee of the committee, or subcommittee thereof, of which he is chairman, by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179.

(b)(1) The figures "$19,706" and "$29,726" appearing in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 5(b)(1) of the Order of the President pro tempore of October 8, 1976), shall be deemed to refer to the figures "$21,122" and "$31,862", respectively.

(2) The maximum annual rates of "$49,432", "$51,436", and "$54,275" appearing in such section 105(e) [section 61–1(e) of this title] (as provided in section 5(b)(2) of such Order of October 8, 1976) are each further increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179, and shall be deemed to refer to the figures "$52,984", "$55,132", and "$58,175", respectively.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of a standing committee of the Senate or the majority or minority policy committee of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which is at least $5,900, $4,600, and $2,000, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

(4) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of any special or select committee of the Senate and the conference majority and conference minority of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which is at least $5,900, $4,600, and $2,500, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

(5) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which is at least $5,900, $4,800, and $2,900, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended [enacting section 61–1 of this title and amending section 60j of this title and section 5533 of Title 5] (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179.

(b) The table contained in section 105(d)(1) of such Act [section 61–1(d)(1) of this title] shall be deemed to read as follows:

"$481,331 if the population of his State is less than 2,000,000;

"$495,293 if such population is 2,000,000 but less than 3,000,000;

"$528,945 if such population is 3,000,000 but less than 4,000,000;

"$572,263 if such population is 4,000,000 but less than 5,000,000;

"$607,705 if such population is 5,000,000 but less than 7,000,000;

"$644,937 if such population is 7,000,000 but less than 9,000,000;

"$685,391 if such population is 9,000,000 but less than 10,000,000;

"$716,537 if such population is 10,000,000 but less than 11,000,000;

"$757,349 if such population is 11,000,000 but less than 12,000,000;

"$788,495 if such population is 12,000,000 but less than 13,000,000;

"$828,233 if such population is 13,000,000 but less than 15,000,000;

"$867,971 if such population is 15,000,000 but less than 17,000,000;

"$907,709 if such population is 17,000,000 but less than 19,000,000;

"$937,423 if such population is 19,000,000 but less than 21,000,000;

"$967,137 if such population is 21,000,000 or more.".

(c)(1) The second sentence of section 105(d)(2) of such Act [section 61–1(d)(2) of this title] is modified to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,074 per annum or in excess of $29,177 per annum except that (i) the salaries of three employees may be fixed at rates of not more than the rate referred to in subsection (e)(1), (ii) the salaries of five employees may be fixed at rates of not more than $51,373 per annum, and (iii) the salary of one employee may be fixed at a rate of not more than $53,700 per annum.".

(2) Notwithstanding the modification made by paragraph (1) of this subsection, any individual occupying a position to which a rate referred to in clause (i), (ii), or (iii) of such modification applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which is at least $5,900, $5,400, and $2,500, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,169" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended [section 61–1(f) of this title] (as provided in section 7(a) of the Order of the President pro tempore of October 8, 1976) shall be deemed to refer to the figure "$1,074".

(b)(1) The maximum annual rate of compensation of "$54,275" appearing in such section (as provided in section 7(b)(1) of such Order of October 8, 1976) is further increased by 7.05 percent, and as so increased, adjusted to the next higher multiple of $179, and shall be deemed to refer to the figure "$58,175".

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position to which such rate applies shall not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which is at least $2,500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. (a) In order for an employee to be paid an increase in the annual rate of his compensation under authority given by this Order, the individual designated by sections 4, 5, 6 to authorize an increased rate of compensation for that employee shall notify the disbursing office of the Senate in writing that he authorizes an increase in such rate for that employee (which may not exceed the increase authorized by this Order) and the date on which that increase is to be effective.

(b) Subsection (a) shall not apply to any employee to whom section 2 (a) or (b) applies or to the four Senior Counsels in the Office of the Legislative Counsel.

DUAL COMPENSATION

SEC. 9. The figure "$10,540" contained in section 5533(c)(1) of title 5, United States Code, shall be deemed to refer to the figure "$11,830".

EFFECTIVE DATE

SEC. 10. Sections 1–9 of this Order are effective October 1, 1977.

JAMES O. EASTLAND,
President pro tempore.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60a–1a, 60j, 60j–3 of this title.

§ 60c–4. Withholding of charitable contributions from salaries disbursed by the Secretary of the Senate and from employees of the Architect of the Capitol

(a) Definitions

For purposes of this section, the term—

(1) "Secretary" means the Secretary of the Senate; and

(2) "Architect" means the Architect of the Capitol.

(b) Notice; deduction and transmission

(1) The Secretary and the Architect shall notify individuals whose pay is disbursed by the Secretary or who are employees of the Architect, including employees of the Botanic Garden or the Senate Restaurants of the opportunity to have amounts withheld from their pay pursuant to this section for contribution to national voluntary health and welfare agencies designated by the Chairman of the Civil Service Commission pursuant to Executive Order 10927, dated March 18, 1961.

(2) Upon request by such an individual specifying the amount to be withheld and one Combined Federal Campaign Center in the Washington metropolitan area to receive such amount, the Secretary, the Architect, or any other officer who disburses the pay of such individual, as the case may be, shall—

(A) withhold such amount from the pay of such individual; and

(B) transit (not less than once each calendar quarter) the amount so withheld to the Combined Federal Campaign Center as specified in such request.

(c) Time of withholding and transmission

The Secretary and the Architect shall, to the extent practicable, carry out subsection (b) of

this section at or about the time of the Combined Federal Campaign and other fundraising in the executive branch of the Federal Government conducted pursuant to Executive Order 10927, dated March 18, 1961, and at such other times as each such officer deems appropriate.

(d) Amount

(1) No amount shall be withheld under subsection (b) of this section from the pay of any individual for any pay period if the amount of such pay for such period is less than the sum of—

(A) the amount specified to be withheld from such pay under subsection (b) of this section for such period; plus

(B) the amount of all other withholdings from such pay for such period.

(2) No amount may be specified by an individual to be withheld for any pay period under subsection (b) of this section which is less than—

(A) 50 cents, if the pay period of such individual is biweekly or semimonthly; or

(B) $1, if the pay period of such individual is monthly.

(e) Provisions as not imposing duty, burden, requirement or penalty upon the United States, Senate, or any officer or employee of the United States; effect of filing paper

This section imposes no duty, burden, or requirement upon the United States, the Senate, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, the Senate, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section. Any paper, form, document, or any other item filed with the Secretary under this section is a paper of the Senate within the provisions of rule XXX of the Standing Rules of the Senate.

(f) Rules and regulations

The Secretary and the Architect are authorized to issue rules and regulations they consider appropriate in carrying out their duties under this section.

(Pub. L. 95–470, Oct. 17, 1978, 92 Stat. 1323.)

§ 60e–1c. Withholding of charitable contributions by Clerk of the House of Representatives

(a) Authority

Until otherwise provided by law and except as provided in subsection (c) of this section, the Clerk of the House of Representatives shall—

(1) notify employees of the opportunity to have amounts withheld from their compensation for contribution to charitable organizations; and

(2) if an employee files with such officer a voluntary request specifying the amount to be withheld and one Combined Federal Campaign Center in the Washington metropolitan area to receive such amount—

(A) withhold such amount from the compensation of such employee, and

(B) transmit (not less than once each calendar quarter) the amount so withheld to the Combined Federal Campaign Center as specified in such request.

(b) Time of fundraising activities

The Clerk shall, to the extent practicable, carry out subsection (a) of this section at or about the time of the Combined Federal Campaign and other fundraising in the executive branch of the Federal Government conducted pursuant to Executive Order 10927, dated March 18, 1961, and at such other times as such officer deems appropriate.

(c) Minimum amounts withheld

(1) No amount shall be withheld under subsection (a) of this section from the compensation of any employee for any pay period if the amount of such compensation for such period is less than the sum of—

(A) the amount specified to be withheld from such compensation under subsection (a) of this section for such period, plus

(B) the amount of all other withholdings from such compensation for such period.

(2) No amount may be specified by an employee to be withheld for any pay period under subsection (a) of this section which is less than—

(A) 50 cents, if the pay period of such individual is biweekly or semimonthly; or

(B) $1, if the pay period of such individual is monthly.

(d) Duty, burden, or requirement not imposed

This section imposes no duty, burden, or requirement upon the United States, the House of Representatives, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, the House of Representatives, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section. Any paper, form, document, or any other item filed with, or submitted to, the Clerk under this section is considered to be a paper of the House of Representatives within the provisions of the Rules of the House of Representatives.

(Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777.)

CODIFICATION

Section is based on section 1 of House Resolution No. 12, August 5, 1977, which was enacted into permanent law by Pub. L. 95–391.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60e–1d of this title.

§ 60e–1d. Withholding of charitable contributions; definitions

For purposes of section 60e–1c of this title—

(1) the term "charitable organizations" means national voluntary health and welfare agencies designated by the Chairman of the Civil Service Commission pursuant to Executive Order 10927, dated March 19, 1961;

(2) the term "Clerk" means the Clerk of the House of Representatives;

(3) the term "employee" means any employee of the House of Representatives whose compensation is disbursed by the Clerk.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 777.)

CODIFICATION

Section is based on section 2 of House Resolution No. 12, August 5, 1977, which was enacted into permanent law by Pub. L. 95-391.

§ 60j. Longevity compensation

(a) Eligible employees

This section shall apply to—

(1) each employee of the Senate whose compensation is paid from the appropriation for Salaries, Officers and Employees under the following headings:

(A) Office of the Secretary, including individuals employed under authority of section 74b of this title;

(B) Office of the Sergeant at Arms and Doorkeeper, except employees designated as "special employees"; and

(C) Offices of the Secretaries for the Majority and the Minority;

(2) each employee of the Senate authorized by Senate resolution to be appointed by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, except employees designated as "special employees"; and

(3) each employee of the Capitol Guide Service established under section 851 of title 40.

(b) Rate of compensation; limitation on increases; computation of service; effective date of payment

(1) Except as provided in paragraph (2), an employee to whom this section applies shall be paid, during any period of continuous creditable service, additional annual compensation (hereinafter referred to as "longevity compensation") at the rate of two times the multiple contained in section 1(a) of the applicable Order of the President pro tempore of the Senate issued under authority of section 60a-1 of this title for (A) each year of creditable service performed for the first five years and (B) each two years of creditable service performed during the twenty-year period following the first five years.

(2) The amount of longevity compensation which may be paid to an employee, when added to his regular annual compensation, shall not exceed the maximum annual compensation which may be paid to Senate employees generally as prescribed by law or orders of the President pro tempore issued under authority of section 60a-1 of this title.

(3) For purposes of this section—

(A) creditable service includes (i) service performed as an employee described in subsection (a) of this section, (ii) service performed as a member of the Capitol Police or as an employee of the United States Capitol Telephone Exchange while compensation therefor is disbursed by the Clerk of the House of Representatives, and (iii) service which is creditable for purposes of this section as in effect on September 30, 1978;

(B) in computing length of continuous creditable service, only creditable service performed subsequent to August 31, 1957, shall be taken into account, except that, in the case of service as an employee employed under authority of section 74b of this title, only creditable service performed subsequent to January 2, 1971, shall be taken into account; and

(C) continuity of creditable service shall not be deemed to be broken by separations from service of not more than thirty days, by the performance of service as an employee (other than an employee subject to the provisions of this section) whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives, or by the performance of active military service in the armed forces of the United States, but periods of such separations and service shall not be creditable service.

(4) Longevity compensation shall be payable on and after the first day of the first month following completion of each period of creditable service upon which such compensation is based.

(As amended Pub. L. 95-240, title II, § 205, Mar. 7, 1978, 92 Stat. 117; Pub. L. 95-391, title I, § 110(a), Sept. 30, 1978, 92 Stat. 774.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-391 in par. (1) substituted cls. (A) to (C) for provisions respecting the heading "Office of the Secretary", except the Assistant to the Majority and the Assistant to the Minority, in par. (2) substituted provisions relating to employees appointed by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, under a Senate resolution, for provisions relating to employees under the heading "Office of Sergeant at Arms and Doorkeeper", in par. (3) substituted provisions relating to employees of the Capitol Guide Service for provisions relating to employees under the heading "Official Reporters of Debates", and struck out pars. (4) to (8) relating to, respectively, employees under the heading "Offices of the Secretaries for the Majority and the Minority", employees appointed by the Secretary or Sergeant at Arms, telephone operators on the United States Capitol exchange, members of the Capitol Police, and the Chief Guide, etc., of the Capitol Guide Service.

Pub. L. 95-240 added reference to Deputy Chief Guide in former par. (8).

Subsec. (b). Pub. L. 95-391 substituted provisions setting forth requirements respecting the computation, except as provided in par. (2), of additional annual compensation for any employee to whom this section applies during any period of continuous creditable service, for provisions setting forth requirements respecting the computation of additional gross compensation for any employee to whom this section applies during any period of continuous service.

1977—The figure "1,002" contained in subsec. (b) of this section deemed to refer to the figure "1,074", effective Oct. 1, 1977, pursuant to Pub. L. 91-656, § 4, see section 4(c) of the Salary Directive of the President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a-1 of this title.

EFFECTIVE DATE OF 1978 AMENDMENTS

Section 110(b) of Pub. L. 95-391 provided that: "The amendment made by subsection (a) [amending subsecs. (a) and (b) of this section] shall take effect on the first day of the first month which begins after the date of the enactment of this Act [Sept. 30, 1978]. The gross compensation of employees entitled to longevity compensation on such first day under section 106 of the Legislative Branch Appropriation Act, 1963 [this

section], shall be adjusted in accordance with the provisions of such section as amended by subsection (a). No increase in compensation by reason of such amendment shall take effect for any pay period beginning before such first day, and no monetary benefit by reason of such amendment shall accrue for any period before such first day."

Section 205 of Pub. L. 95-240 provided in part that the amendment by Pub. L. 95-240 is effective Oct. 1, 1977.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60j-1, 60j-2, 61-1, 61a-2 of this title.

§ 60j-2. Longevity compensation for telephone operators on United States telephone exchange and members of Capitol Police whose compensation is disbursed by Clerk of House of Representatives

(a) [1] The provisions of subsections (a) and (b) of section 60j of this title (as amended by section 110 of Pub. L. 95-391), shall apply to telephone operators (including the chief operator and assistant chief operators) on the United States Capitol telephone exchange and members of the Capitol Police whose compensation is disbursed by the Clerk of the House of Representatives in the same manner and to the same extent as such provisions apply to individuals whose compensation is disbursed by the Secretary of the Senate. For purposes of so applying such subsections, creditable service shall include service performed as an employee of the United States Capitol telephone exchange or a member of the Capitol Police whether compensation therefor is disbursed by the Clerk of the House of Representatives or the Secretary of the Senate.

(Pub. L. 95-391, title III, § 310, Sept. 30, 1978, 92 Stat. 790.)

§ 60j-3. Merit compensation

(a) Employees rated outstanding and exceptional

Effective with the fiscal year beginning October 1, 1978, and each fiscal year thereafter, the appropriations for "OFFICE OF THE SECRETARY" and "OFFICE OF SERGEANT AT ARMS AND DOORKEEPER" under the heading "SALARIES, OFFICERS, and EMPLOYEES" shall be available for the payment of additional annual compensation (hereinafter referred to as "merit compensation") to employees rated as outstanding and exceptional by the Secretary of the Senate and Sergeant at Arms and Doorkeeper, respectively.

(b) Authorization of merit compensation by Secretary of the Senate and Sergeant at Arms and Doorkeeper of the Senate

Subject to the provisions of subsections (c) and (d) of this section, each fiscal year, the Secretary of the Senate may authorize merit compensation for not to exceed 8 employees of his Office and the Sergeant at Arms and Doorkeeper may authorize merit compensation for not to exceed 18 employees of his Office. Each such authorization shall continue in effect until it is terminated or changed by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, as the case may be.

[1] So in original. Section enacted without a subsec. (b).

(c) Prerequisite service

No employee shall be eligible to receive merit compensation unless such employee has occupied the same position for at least two years and is being compensated at the maximum annual salary for the position so occupied, except that, in the discretion of the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, as the case may be, an employee who is receiving merit compensation and is transferred to another position in which he is compensated at the maximum annual salary shall be eligible to receive merit compensation while occupying such other position.

(d) Maximum merit compensation

(1) The amount of merit compensation which may be paid to an employee (as authorized by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, as the case may be) shall not exceed an amount equal to ten percent of the maximum annual rate of compensation of the position occupied by such employee rounded to the next highest multiple contained in section 1(a) of the applicable Order of the President pro tempore of the Senate issued under authority of section 60a-1 of this title.

(2) The amount of merit compensation which may be paid to an employee, when added to his regular annual compensation and his longevity compensation, shall not exceed the maximum annual compensation which may be paid to Senate employees generally as prescribed by law or orders of the President pro tempore issued under authority of section 60a-1 of this title.

(e) Reports to Senate Committee on Appropriations

Within thirty days following the end of each fiscal year, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper shall file reports with the Senate Committee on Appropriations detailing the use and implementation of the authority contained in this section. Such reports shall include the names of all employees receiving merit compensation under authority of this section at the end of the fiscal year, the positions occupied by them, and the date when each such employee first began to receive merit compensation.

(Pub. L. 95-391, title I, § 109, Sept. 30, 1978, 92 Stat. 773.)

§ 61-1. Gross rate of compensation of employees paid by Secretary of Senate

(a) Annual rate; certification

(1) Whenever the rate of compensation of any employee whose compensation is disbursed by the Secretary of the Senate is fixed or adjusted on or after August 1, 1967, such rate as so fixed or adjusted shall be a single per annum gross rate which is a multiple of $189.

[*See main edition for text of (2); (b) and (c)*]

(d) Compensation of employees in office of Senator; limitation; titles of positions

(1)(A) The aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each fiscal year the following:

$508,221 if the population of his State is less than 2,000,000;

$522,963 if such population is 2,000,000 but less than 3,000,000;
$558,495 if such population is 3,000,000 but less than 4,000,000;
$604,233 if such population is 4,000,000 but less than 5,000,000;
$641,655 if such population is 5,000,000 but less than 7,000,000;
$680,967 if such population is 7,000,000 but less than 8,000,000;
$701,757 if such population is 8,000,000 but less than 9,000,000;
$723,681 if such population is 9,000,000 but less than 10,000,000;
$756,567 if such population is 10,000,000 but less than 11,000,000;
$799,659 if such population is 11,000,000 but less than 12,000,000;
$832,545 if such population is 12,000,000 but less than 13,000,000;
$874,503 if such population is 13,000,000 but less than 15,000,000;
$916,461 if such population is 15,000,000 but less than 17,000,000;
$958,419 if such population is 17,000,000 but less than 19,000,000;
$989,793 if such population is 19,000,000 but less than 21,000,000;
$1,021,167 if such population is 21,000,000 or more.

In any fiscal year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees in the office of that Senator shall be the applicable amount contained in the table included in this subparagraph, divided by 12, and multiplied by the number of months the Senator holds such office during that fiscal year, counting any fraction of a month as a full month.

[*See main edition for text of* (B)]

(2) Within the limits prescribed by paragraph (1) of this subsection, Senators may fix the number and the rates of compensation of employees in their respective offices. The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,134 per annum or in excess of $30,807 per annum except that (i) the salaries of three employees may be fixed at rates of not more than the rate referred to in subsection (e)(1) of this section, (ii) the salaries of five employees may be fixed at rates of not more than $54,243 per annum, and (iii) the salary of one employee may be fixed at a rate of not more than $56,700 per annum. A Senator may establish such titles for positions in his office as he may desire to designate, by written notification to the disbursing office of the Senate.

(e) Compensation of professional staff members and clerical staff of standing committees; standing or select committee employees; gross rate limitation

(1) Subject to the provisions of paragraph (3), the professional staff members of standing committees of the Senate shall receive gross annual compensation to be fixed by the chairman at not to exceed $55,944.

(2) The rates of gross compensation of the clerical staff of each standing committee of the Senate shall be fixed by the chairman as follows:

(A) for each committee (other than the Committee on Appropriations), one chief clerk and one assistant chief clerk at not to exceed $55,944; and not to exceed four other clerical assistants at not to exceed $22,302; and

(B) for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at not to exceed $55,944; such assistant clerks as may be necessary at not to exceed $33,642; and such other clerical assistants as may be necessary at not to exceed $22,302.

(3) No employee of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), or of any joint committee the expenses of which are paid from the contingent fund of the Senate, shall be paid at a gross rate in excess of $55,944 per annum, except that—

(A) two employees of any such committee (other than the Committee on Appropriations), who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $58,212 per annum, and four such employees may be paid at gross rates not in excess of $61,425 per annum; and

(B) sixteen employees of the Committee on Appropriations who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $58,212 per annum, and five such employees may be paid at gross rates not in excess of $61,425 per annum.

For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

(f) General limitation

No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid gross compensation at a rate less than $1,134 or in excess of $61,425 unless expressly authorized by law.

[*See main edition for text of* (g)]

(As amended Pub. L. 95-94, title I, § 111(d), Aug. 5, 1977, 91 Stat. 663; Pub. L. 95-391, title I, § 104(b), Sept. 30, 1978, 92 Stat. 772; Pub. L. 95-482, § 112, Oct. 18, 1978, 92 Stat. 1605.)

CODIFICATION

Section 111(d) of Pub. L. 95-94, cited to the credit of this section, amended subsec. (d)(2) of this section and enacted a provision set out as a note below.

AMENDMENTS

1978—Subsec. (a)(1). Figure "189" was substituted for figure "179" to reflect the use of the figure "189" as the multiple used for determining the general upward revision of salaries by the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, set out as a note under section 60a-1 of this title.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1978, by section 6(b) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, set out as a note under section 60a-1 of this title. Prior to such upward revision, the table was set out as follows:

"$481,331 if the population of his State is less than 2,000,000;

"$495,293 if such population is 2,000,000 but less than 3,000,000;
"$528,945 if such population is 3,000,000 but less than 4,000,000;
"$572,263 if such population is 4,000,000 but less than 5,000,000;
"$607,705 if such population is 5,000,000 but less than 7,000,000;
"$644,937 if such population is 7,000,000 but less than 9,000,000;
"$685,391 if such population is 9,000,000 but less than 10,000,000;
"$716,537 if such population is 10,000,000 but less than 11,000,000;
"$757,349 if such population is 11,000,000 but less than 12,000,000;
"$788,495 if such population is 12,000,000 but less than 13,000,000;
"$828,233 if such population is 13,000,000 but less than 15,000,000;
"$867,971 if such population is 15,000,000 but less than 17,000,000;
"$907,709 if such population is 17,000,000 but less than 19,000,000;
"$937,423 if such population is 19,000,000 but less than 21,000,000;
"$967,137 if such population is 21,000,000 or more.".

Pub. L. 95–391 added item in the table added by section 6(b) of the Salary Directive of the President pro tempore of the Senate dated Sept. 29, 1977, providing that the aggregate of gross compensation paid employees in the office of a Senator not exceed $664,627 if the population of that Senator's State is 8,000,000 but less than 9,000,000.

Subsec. (d)(2). Figures "$1,074", "$29,177", "$51,373", and "$53,700" to be deemed to refer, effective Oct. 1, 1978, to the figures "$1,134", "$30,807", "$54,243", and "$56,700", respectively, see section 6(c)(1) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, set out as a note under section 60a–1 of this title.

Subsec. (e). Figures "$21,122", "$31,862", "$52,984", "$55,132", and "$58,175" to be deemed to refer, effective Oct. 1, 1978, to the figures "$22,302", "$33,642", "$55,944", "$58,212", and "$61,425", respectively, see section 5(b)(1), (2) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, set out as a note under section 60a–1 of this title.

Subsec. (e)(3)(A). Pub. L. 95–482, § 112(1), (2), substituted "two employees" for "four employees" and "four such employees" for "two such employees".

Subsec. (e)(3)(B). Pub. L. 95–482, § 112(3), substituted "five such employees" for "three such employees".

Subsec. (f). Figures "$1,074" and "$58,175" to be deemed to refer, effective Oct. 1, 1978, to the figures "$1,134" and "$61,425", respectively, see section 7(a), (b)(1) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, set out as a note under section 60a–1 of this title.

1977—Subsec. (a)(1). Figure "179" was substituted for figure "167" to reflect the use of the figure "179" as the multiple used for determining the general upward revision of salaries by the Salary Directive of the President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a–1 of this title.

Subsec. (d)(1)(A). The table was revised upward, effective Oct. 1, 1977, by section 6(b) of the Salary Directive of the President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a–1 of this title. Prior to such upward revision, the table was set out as follows:

$449,063 if the population of his State is less than 2,000,000;
$462,089 if such population is 2,000,000 but less than 3,000,000;
$493,485 if such population is 3,000,000 but less than 4,000,000;
$533,899 if such population is 4,000,000 but less than 5,000,000;
$566,965 if such population is 5,000,000 but less than 7,000,000;
$601,701 if such population is 7,000,000 but less than 9,000,000;
$639,443 if such population is 9,000,000 but less than 10,000,000;
$668,501 if such population is 10,000,000 but less than 11,000,000;
$706,577 if such population is 11,000,000 but less than 12,000,000;
$735,635 if such population is 12,000,000 but less than 13,000,000;
$772,709 if such population is 13,000,000 but less than 15,000,000;
$809,783 if such population is 15,000,000 but less than 17,000,000;
$846,857 if such population is 17,000,000 but less than 19,000,000;
$874,579 if such population is 19,000,000 but less than 21,000,000;
$902,301 if such population is 21,000,000 or more.".

Subsec. (d)(2). Figures "$1,169", "$27,221", "$47,929", and "$50,100" to be deemed to refer, effective Oct. 1, 1977, to the figures "$1,074", "$29,177", "$51,373", and "$53,700", respectively, see section 6(c)(1) of the Salary Directive of the President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a–1 of this title.

Pub. L. 95–94 added cl. (i). Former cls. (i) and (ii) were redesignated (ii) and (iii), respectively.

Subsec. (e). Figures "$19,706", "$29,726", "$49,432", "$51,436", and "$54,275" to be deemed to refer, effective Oct. 1, 1977, to the figures "$21,122", "$31,862", "$52,984", "$55,132", and "$58,175", respectively, see section 5(b)(1), (2) of the Salary Directive of the President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a–1 of this title.

Subsec. (f). Figures "$1,169" and "$54,275" to be deemed to refer, effective Oct. 1, 1977, to the figures "$1,074" and "$58,175", respectively, see section 7(a), (b)(1) of the Salary Directive of the President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a–1 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–94 effective Oct. 1, 1977, see section 111(f) of Pub. L. 95–94, set out as an Effective Date note under section 72a–1e of this title.

AGGREGATE OF GROSS COMPENSATION FOR EMPLOYEES IN OFFICE OF SENATOR FOR EACH FISCAL YEAR; INCREASE IN AMOUNT; REDUCTION IN AMOUNTS FOR COMMITTEE CHAIRMEN, RANKING MINORITY MEMBERS, ETC.

Section 111(a), (b) of Pub. L. 95–94, as amended by Pub. L. 95–240, title II, § 206, Mar. 7, 1978, 92 Stat. 117, eff. Oct. 1, 1977, provided that:

"(a) Except as provided in subsection (b), the aggregate of the gross compensation which may be paid to employees in the office of a Senator during each fiscal year under section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61–1(d), is increased by $157,626. [The figure "$157,626" appearing in this subsection was substituted for the figure "$149,286", pursuant to section 6(d) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, eff. Oct. 1, 1978, set out as a note under section 60a–1 of this title.]

"(b)(1) In the case of a Senator who is the chairman or ranking minority member of any committee, or of any subcommittee that receives funding to employ staff assistance separately from the funding authority for staff of the full committee, the amount referred to in subsection (a) shall be reduced by "$52,542" for each such committee or subcommittee. [The figure "$52,542", appearing in this paragraph, was substituted for the figure "$49,762" pursuant to section 6(d) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, eff. Oct. 1, 1978, set out as a note under section 60a–1 of this title.]

"(2) In the case of a Senator who is authorized by a committee, a subcommittee thereof, or the chairman

of a committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator solely and directly in his duties as a member of such committee or subcommittee, the amount referred to in subsection (a) shall be reduced, for each such committee or subcommittee, by an amount equal to (A) the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator, if such employees are employed for the purpose of assisting such Senator solely and directly in his duties as a member of such committee or subcommittee thereof as the case may be, or (B) $52,542, whichever is less. [The figure "$52,542" appearing in this paragraph was substituted for the figure "$49,762" pursuant to section 6(d) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, eff. Oct. 1, 1978, set out as a note under section 60a–1 of this title.]

"(3) In the case of a Senator who is serving on more than three committees, one of the committees on which he is serving, as selected by him, shall not be taken into account for purposes of paragraphs (1) and (2). Any such Senator shall notify the Secretary of the Senate of the committee selected by him under this paragraph."

1978 Increase in Allowances for Administrative and Clerical Assistance to Senators

Section 104(a) of Pub. L. 95-391 provided that: "Effective April 1, 1978, the clerk-hire allowance of each Senator from the State of Georgia is increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million inhabitants."

Limitations on 1978 Increases in Maximum Annual Rates to Staff Members of Standing, Special, and Select Committees of the Senate and Joint Committees of the Congress Whose Funds Are Disbursed by the Secretary of the Senate

Section 5(b) (3) to (5) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, set out as a note under section 60a–1 of this title, provided that, notwithstanding the provisions of section 5(b)(2) of that Order, any individual occupying a position on the staff of a standing committee of the Senate or the majority or minority policy committee of the Senate to which any such rate applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which was at least $5,900, $4,600, and $2,000, respectively, less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order, that any individual occupying a position on the staff of any special or select committee of the Senate or the conference majority or conference minority of the Senate to which any such rate applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which was at least $5,900, $4,600, and $2,500, respectively, less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order, and that any individual occupying a position on the staff of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate to which any such rate applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which was at least $5,900, $4,800, and $2,900, respectively, less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order.

Limitations on 1978 Increases in Maximum Annual Rates to Employees in the Offices of Senators

Section 6(c)(2) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, set out as a note under section 60a–1 of this title, provided that, notwithstanding the modification made by section 6(c)(1) of that Order, any individual occupying a position to which a rate referred to in clause (i), (ii), or (iii) of such modification [modifying subsec. (d)(2) of this section] applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which was at least $5,900, $5,400, and $2,500, respectively, less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order.

Limitation on 1978 Increase in Maximum Annual Rate to Officers or Employees Whose Compensation Is Disbursed by the Secretary of the Senate

Section 7(b)(2) of the Salary Directive of the President pro tempore of the Senate, Oct. 9, 1978, set out as a note under section 60a–1 of this title, provided that, notwithstanding the provisions of section 7(b)(1) of that Order, any individual occupying a position to which such rate applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $189 which was at least $2,500 less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order.

Limitations on 1977 Increases in Maximum Annual Rates to Staff Members of Standing, Special, or Select Committees of the Senate and Joint Committees of the Congress Whose Funds Are Disbursed by the Secretary of the Senate.

Section 5(b) (3) to (5) of the Salary Directive of the President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a–1 of this title, provided that, notwithstanding the provisions of section 5(b)(2) of that Directive, any individual occupying a position on the staff of a standing committee of the Senate or the majority or minority policy committee of the Senate to which any such rate applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which was at least $5,900, $4,600, and $2,000, respectively, less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order, that any individual occupying a position on the staff of any special or select committee of the Senate and the conference majority and conference minority of the Senate to which any such rate applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which was at least $5,900, $4,600, and $2,500, respectively, less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order, and that any individual occupying a position on the staff of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate to which any such rate applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which was at least $5,900, $4,800, and $2,900, respectively, less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order.

Limitations on 1977 Increases in Maximum Annual Rates to Employees in the Offices of Senators

Section 6(c)(2) of the Salary Directive of the President pro tempore of the Senate, Sept. 29, 1977, set out as a note under section 60a–1 of this title, provided that, notwithstanding the modification made by section 6(c)(1) of that Order, any individual occupying a position to which a rate referred to in clause (i), (ii), or

(iii) of such modification [modifying subsec. (d)(2) of this section] applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which was at least $5,900, $5,400, and $2,500, respectively, less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order.

LIMITATION ON 1977 INCREASE IN MAXIMUM ANNUAL RATE TO OFFICERS OR EMPLOYEES WHOSE COMPENSATION IS DISBURSED BY THE SECRETARY OF THE SENATE

Section 7(b)(2) of the Salary Directive of the President pro tempore of the Senate, Sept. 27, 1977, set out as a note under section 60a–1 of this title, provided that, notwithstanding the provisions of section 7(b)(1) of that Order, any individual occupying a position to which such rate applied should not be paid at any time at an annual rate in excess of the next lowest multiple of $179 which was at least $2,500 less than the annual rate of compensation, which was then or might thereafter be in effect, for those positions referred to in section 2(a) of that Order.

1977 ADDITION OF EMPLOYEES IN OFFICE OF SENATOR NOT TO EFFECT SECTION 6(c) OF ORDER OF PRESIDENT PRO TEMPORE ISSUED ON OCTOBER 8, 1976

Section 111(d) of Pub. L. 95–94 provided in part that: "The amendments made by this subsection [amending subsec. (d)(2) of this section] shall have no effect on section 6(c) of the Order of the President pro tempore issued on October 8, 1976, under section 4 of the Federal Pay Comparability Act of 1970 [set out as a note under section 60a–1 of this title]."

1977 INCREASE IN ALLOWANCES FOR ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

Pub. L. 95–26, title I, § 100, May 4, 1977, 91 Stat. 81, provided in part: "That, effective April 1, 1977, the clerk hire allowance of each Senator from the State of Virginia shall be increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million inhabitants."

RATE OF PAY FOR SENATE COMMITTEE STAFF MEMBERS FOR 1977 COMMITTEE SYSTEM REORGANIZATION

Pub. L. 95–4, Feb. 16, 1977, 91 Stat. 12, provided: "That (a) notwithstanding the limitations contained in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and modified [subsec. (e) of this section], each eligible staff member of a new committee to whom section 703(d) of the Committee System Reorganization Amendments of 1977 [S. Res. 4, Feb. 4, 1977] applies may, during the transition period of such new committee, be paid gross annual compensation at the rate which that eligible staff member was receiving on January 4, 1977.

"(b) For purposes of subsection (a), the terms 'eligible staff member', 'new committee', and 'transition period' have the meanings given to them by section 701 of the Committee System Reorganization Amendments of 1977 [S. Res. 4, Feb. 4, 1977]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 43d, 61–1a of this title.

§ 61–1a. Availability of appropriated funds for payment to an individual of pay from more than one position; conditions

Notwithstanding any other provision of law, appropriated funds are available for payment to an individual of pay from more than one position, the pay for each of which is disbursed by the Secretary of the Senate out of an appropriation under the heading "Salaries, Officers and Employees", if the aggregate gross pay from those positions does not exceed the amount specified in section 61–1(d)(2)(ii) of this title.

(Pub. L. 95–94, title I, § 114, Aug. 5, 1977, 91 Stat. 665, amended Pub. L. 95–240, title II, § 207, Mar. 7, 1978, 92 Stat. 117.)

CODIFICATION

Section was taken from the Legislative Branch Appropriation Act, 1978.

AMENDMENTS

1978—Pub. L. 95–240 substituted provisions relating to pay disbursed by the Secretary of the Senate from the appropriation with the heading for salaries, etc., for provisions requiring the positions to be in the office of a Senator and the pay for each disbursed by the Secretary of the Senate.

§ 61a–2. Compensation of Postmaster and Assistant Postmaster of the Senate

The gross rate of compensation of the Postmaster of the Senate shall be $18,420, and the gross rate of compensation of the Assistant Postmaster of the Senate shall be $14,570.

(As amended Pub. L. 95–94, title I, § 108(a), Aug. 5, 1977, 91 Stat. 661.)

AMENDMENTS

1977—Pub. L. 95–94 struck out provision that section 60j of this title shall not apply to the Postmaster and Assistant Postmaster of the Senate after Aug. 14, 1964.

CREDIT FOR SERVICE PERFORMED PRIOR TO AUGUST 5, 1977 FOR COMPUTATION OF LENGTH OF CONTINUOUS SERVICE IN DETERMINING ELIGIBILITY FOR LONGEVITY COMPENSATION; MONETARY BENEFITS PROHIBITED

Section 108(b) of Pub. L. 95–94 provided that: "In computing the length of continuous service for purposes of determining the eligibility of an individual under section 106 of the Legislative Branch Appropriation Act, 1963 [section 60j of this title], by reason of the amendment made by subsection (a) [amending this section], service performed prior to the date of the enactment of this Act [Aug. 5, 1977] may be credited, except that no increase in compensation by reason of such amendment shall take effect for any pay period beginning before October 1, 1977, and no monetary benefit by reason of such amendment shall accrue for any period before such date."

§ 61a–9a. Travel expenses of Secretary of the Senate; advancement of travel funds to designated employees

For the purpose of carrying out his duties, the Secretary of the Senate is authorized to incur official travel expenses but such expenditures shall not exceed $7,500 during any fiscal year. The Secretary of the Senate is authorized to advance, in his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Secretary a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. Payments to carry out the provisions of this section shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate.

(As amended Pub. L. 95–94, title I, § 106, Aug. 5, 1977, 91 Stat. 661; Pub. L. 95–355, title I, § 101, Sept. 8, 1978, 92 Stat. 533.)

AMENDMENTS

1978—Pub. L. 95–355 substituted "$7,500" for "$5,500".

1977—Pub. L. 95–94 substituted "$5,500" for "$5,000".

EFFECTIVE DATE OF 1978 AMENDMENT

Section 101 of Pub. L. 95–355 provided in part that the amendment by Pub. L. 95–355 is effective with the fiscal year ending Sept. 30, 1978.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 106 of Pub. L. 95–94 provided in part that the amendment by Pub. L. 95–94 is effective Oct. 1, 1977.

§ 61b–1a. Appointment and compensation of third assistant parliamentarian

Effective October 1, 1977, the Secretary may appoint and fix the compensation of a Third Assistant Parliamentarian at not to exceed $28,056 per annum in lieu of not to exceed $25,718 per annum.

(As amended Pub. L. 95–94, title I, § 100, Aug. 5, 1977, 91 Stat. 654.)

AMENDMENTS

1977—Pub. L. 95–94 substituted "October 1, 1977" for "July 1, 1972" and "$28,056 per annum in lieu of not to exceed $25,718 per annum" for "$19,684 per annum" and struck out "of the Senate" following "Secretary".

§ 61d. Compensation of the Chaplain of the Senate

Effective April 1, 1977, the compensation of the Chaplain of the Senate shall be $22,044 per annum.

(As amended Pub. L. 95–26, title I, § 100, May 4, 1977, 91 Stat. 80.)

AMENDMENTS

1977—Pub. L. 95–26 substituted "April 1, 1977" for "July 1, 1973" and "$22,044" for "$15,232".

§ 61f–1a. Travel expenses of Sergeant at Arms and Doorkeeper of the Senate

For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses not exceeding $25,000 during any fiscal year. With the approval of the Sergeant at Arms and Doorkeeper, the Secretary of the Senate is authorized to advance to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Sergeant at Arms and Doorkeeper in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Sergeant at Arms and Doorkeeper a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. For purposes of this section, official travel expenses includes travel expenses incurred in connection with training of employees only if the training has been approved by the Committee on Rules and Administration of the Senate. Payments under this section shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Sergeant at Arms and Doorkeeper.

(As amended Pub. L. 95–391, title I, § 106, Sept. 30, 1978, 92 Stat. 772.)

AMENDMENTS

1978—Pub. L. 95–391 substituted "$25,000" for "$10,000".

§ 61g. Compensation of Secretaries for the Senate Majority and Minority

The Secretary for the Majority of the Senate (other than the incumbent holding office on April 1, 1977) and the Secretary for the Minority of the Senate shall each be paid at an annual rate of compensation of $39,500.

(As amended Pub. L. 95–26, title I, § 102(a), May 4, 1977, 91 Stat. 82.)

AMENDMENTS

1977—Pub. L. 95–26 substituted "April 1, 1977" for "July 1, 1975". Provisions covering the compensation of the incumbent holding the office of Secretary for the Majority of the Senate on July 1, 1975, were dropped as executed. See successor provisions set out as a note below.

COMPENSATION OF INCUMBENT HOLDING POSITION OF SECRETARY FOR THE MAJORITY ON APRIL 1, 1977

Section 102(b) of Pub. L. 95–26 provided that: "The Majority Leader of the Senate is authorized to fix the compensation of the Secretary for the Majority so long as the position is held by the incumbent holding such position on April 1, 1977."

§ 61g–2. Transferred

CODIFICATION

Pub. L. 94–59, title I, § 100, July 25, 1975, which related to appointment and compensation of assistants for Secretaries for Majority and Minority during emergencies, was originally set out as section 61g–3 of this title, and section 61g–2 did not exist. In the main volume of the 1976 ed., section 61g–3 was inadvertently numbered as section 61g–2.

§ 61g–3. Omitted

CODIFICATION

Section, Pub. L. 94–59, title I, § 100, July 25, 1975, 89 Stat. 272, which authorized, effective July 1, 1975, and each fiscal year thereafter, the Secretaries for the Majority and Minority to each appoint and fix the compensation of an assistant during emergencies at specified rates of compensation for not more than six months in each fiscal year was omitted from the Code as obsolete in view of Pub. L. 95–94, title I, § 100, Aug. 5, 1977, 91 Stat. 658, which abolished such positions, effective Oct. 1, 1977, and authorized the Secretaries concerned to appoint such employees as they deem appropriate. See section 61g–5 of this title.

In the main edition, this section was inadvertently numbered as section 61g–2.

§ 61g–4. Appointment and compensation of Executive Assistants to Secretary of the Conference of the Majority and to Secretary of the Conference of the Minority

Effective April 1, 1977, the Secretary of the Conference of the Majority and the Secretary

of the Conference of the Minority may each appoint and fix the compensation of an Executive Assistant at not to exceed $45,758 per annum and a Secretary at not to exceed $17,869 per annum.

(Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 61g-5. Appointment and compensation of employees in Office of Secretary for the Majority of the Senate and Office of Secretary for the Minority of the Senate; gross compensation

Effective October 1, 1977, the Secretary for the Majority and the Secretary for the Minority are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $143,200 each fiscal year for each Secretary.

(Pub. L. 95-94, title I, § 100, Aug. 5, 1977, 91 Stat. 658.)

CODIFICATION

Section was taken from the Legislative Branch Appropriation Act, 1978.

§ 61h. Omitted

CODIFICATION

Section, Pub. L. 93-371, § 101(4), Aug. 13, 1974, 88 Stat. 429; Pub. L. 94-59, title I, § 105, July 25, 1975, 89 Stat. 275, which set forth the maximum annual rate of compensation for the Assistant Secretaries for the Majority and the Minority was omitted from the Code as obsolete in view of Pub. L. 95-94, title I, § 100, Aug. 5, 1977, 91 Stat. 658, which abolished such positions, effective Oct. 1, 1977, and authorized the Secretaries concerned to appoint and fix the compensation of such employees as they deem appropriate. See section 61g-5 of this title.

§ 61h-1. Omitted

CODIFICATION

Section, Pub. L. 93-371, § 101(4), Aug. 13, 1974, 88 Stat. 429; Pub. L. 94-59, title I, § 105, July 25, 1975, 89 Stat. 275, which set a maximum annual rate of compensation of $38,000 for administrative assistants in the Offices of the Majority and Minority Leaders of the Senate, was omitted from the Code as obsolete. Positions established by the Legislative Branch Appropriation Act, 1970, for the Offices of the Majority and Minority Leaders of the Senate, which Act, Pub. L. 91-145, § 101, Dec. 12, 1969, 83 Stat. 339, formerly classified to this section, authorized the respective leaders to appoint an administrative assistant, were abolished, see section 100 of Pub. L. 95-26, set out below. See also section 61h-4 of this title.

ABOLITION OF POSITIONS IN OFFICES OF MAJORITY AND MINORITY LEADERS OF SENATE

Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80, provided in part: "That the positions established by the Legislative Branch Appropriation Act, 1970 [Pub. L. 91-145, Dec. 12, 1969, 83 Stat. 338], for the Offices of the Majority and Minority Leaders [of the Senate] are abolished effective April 1, 1977." The positions referred to were enumerated in Pub. L. 91-145, § 101, Dec. 12, 1969, 83 Stat. 339, classified to former section 61h-1 of this title, which authorized the respective leaders to appoint an administrative assistant, a legislative assistant, an executive secretary, and a clerical assistant in lieu of the positions authorized prior thereto by Senate Resolution 158, agreed to Dec. 9, 1941, Pub. L. 86-30, approved May 20, 1959, and Senate Resolution 240, agreed to Jan. 24, 1952. See section 61h-4 of this title.

§ 61h-2. Omitted

CODIFICATION

Section, Pub. L. 94-59, title I, § 105, July 25, 1975, 89 Stat. 275, which set a maximum annual rate of compensation of $36,500 for legislative assistants in the Offices of the Majority and Minority Leaders of the Senate, was omitted from the Code as obsolete. Positions established by the Legislative Branch Appropriation Act, 1970, for the Offices of the Majority and Minority Leaders of the Senate, which Act, Pub. L. 91-145, § 101, Dec. 12, 1969, 83 Stat. 339, classified to former section 61h-1 of this title, authorized the respective leaders to appoint a legislative assistant, were abolished, see section 100 of Pub. L. 95-26, title I, May 4, 1977, 91 Stat. 80, set out as a note under section 61h-1 of this title. See also section 61h-4 of this title.

§ 61h-3. Omitted

CODIFICATION

Section, Pub. L. 94-59, title I, § 100, July 25, 1975, 89 Stat. 269, which authorized the Majority and Minority Leaders to appoint and fix the compensation of an executive secretary and a clerical assistant effective July 1, 1975, was omitted from the Code as obsolete. Positions established by the Legislative Branch Appropriation Act, 1970, for the Offices of the Majority and Minority Leaders of the Senate, which Act, Pub. L. 91-145, § 101, Dec. 12, 1969, 83 Stat. 339, classified to former section 61h-1 of this title, authorized the respective leaders to appoint an executive secretary, and a clerical assistant, were abolished, see Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80, set out as a note under section 61h-1 of this title. See also section 61h-4 of this title.

§ 61h-4. Appointment of employees by Majority and Minority Leaders of Senate; compensation

Effective April 1, 1977, the Majority Leader and the Minority Leader are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $191,700 each fiscal year for each Leader.

(Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 61h-5. Appointment of Assistant to Majority Leader of Senate for Floor Operations and Assistant to Minority Leader of Senate for Floor Operations; compensation

Effective April 1, 1977, the Majority Leader and the Minority Leader may appoint an Assistant to the Majority Leader for Floor Operations and an Assistant to the Minority Leader for Floor Operations, respectively, and fix the compensation of such assistants at a rate of compensation not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 61h-6. Appointment of consultants by Majority Leader, Minority Leader, and Secretary of the Senate; compensation

Effective April 1, 1977, the Majority Leader, Minority Leader, and Secretary of the Senate are each authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The provisions of section 8344 of title 5 shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the Majority Leader, Minority Leader, and Secretary of the Senate, respectively.

(Pub. L. 95-26, title I, § 101, May 4, 1977, 91 Stat. 82, amended Pub. L. 95-94, title I, § 110(a), Aug. 5, 1977, 91 Stat. 662.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

AMENDMENTS

1977—Pub. L. 95-94 added references to Secretary of the Senate wherever appearing therein.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 110(b) of Pub. L. 95-94 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on August 1, 1977."

§ 61j. Omitted

CODIFICATION

Section, Pub. L. 93-371, § 101(4), Aug. 13, 1974, 88 Stat. 429; Pub. L. 94-59, title I, § 105, July 25, 1975, 89 Stat. 275, which set a maximum annual rate of compensation of $37,000 for administrative assistants in the offices of the Majority and Minority Whips of the Senate, was omitted from the Code as obsolete. Positions established by the Legislative Branch Appropriation Act, 1970, for the Offices of the Majority and Minority Whips of the Senate, which Act, Pub. L. 91-145, § 101, Dec. 12, 1969, 83 Stat. 339, classified to former section 61j of this title, authorized the respective whips to appoint an administrative assistant, were abolished, see section 100 of Pub. L. 95-26, set out below. See also section 61j-2 of this title.

ABOLITION OF POSITIONS IN OFFICES OF MAJORITY AND MINORITY WHIPS OF SENATE

Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80, provided in part that the positions established by the Legislative Branch Appropriation Act, 1970 [Pub. L. 91-145, Dec. 12, 1969, 83 Stat. 338] and the Legislative Branch Appropriation Act, 1976 [Pub. L. 94-59, July 25, 1975, 89 Stat. 269], for the Offices of the Majority and Minority Whips [of the Senate] are abolished effective April 1, 1977. The positions referred to as having been established by the Legislative Branch Appropriation Act, 1970, were set out in Pub. L. 91-145, § 101, Dec. 12, 1969, 83 Stat. 339, classified to former section 61j of this title, which authorized the respective party whips to appoint an administrative assistant and an executive secretary. The positions referred to as having been established by the Legislative Branch Appropriation Act, 1976, were set out in Pub. L. 94-59, title I, § 100, July 25, 1975, 89 Stat. 270, classified to former section 61j-1 of this title, which authorized the respective party whips to appoint and fix the compensation of a legislative assistant. See section 61j-2 of this title.

§ 61j-1. Omitted

CODIFICATION

Section, Pub. L. 94-59, title I, § 100, July 25, 1975, 89 Stat. 270, authorized the Majority and Minority Whips of the Senate, effective July 1, 1975, each to appoint and fix the compensation of a legislative assistant. The positions established by Pub. L. 94-59 for the Offices of the Majority and Minority Whips of the Senate were abolished effective Apr. 1, 1977, by Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80. See note under section 61j of this title and section 61j-2 of this title.

§ 61j-2. Compensation and appointment of employees by Majority and Minority Whips of Senate

Effective April 1, 1977, the Majority Whip and the Minority Whip are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided*, That the gross compensation paid to such employees shall not exceed $111,100 each fiscal year for each Whip.

(Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 61k. Appointment and compensation of Administrative Assistant, Legislative Assistant, and Executive Secretary for President pro tempore of Senate

Effective April 1, 1977, the President pro tempore is authorized to appoint and fix the compensation of an Administrative Assistant at not to exceed $47,595 per annum; a Legislative Assistant at not to exceed $40,080 per annum, and an Executive Secretary at not to exceed $23,380 per annum.

(Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 79.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 61*l*. Appointment and compensation of Administrative Assistant, Legislative Assistant, and Executive Secretary for Deputy President pro tempore of Senate

Effective April 1, 1977, the Deputy President pro tempore is authorized to appoint and fix the compensation of an Administrative Assistant at not to exceed $47,595 per annum; a Legislative Assistant at not to exceed $40,080 per annum, and an Executive Secretary at not to exceed $23,380 per annum.

(Pub. L. 95-26, title I, § 100, May 4, 1977, 91 Stat. 80.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 64–2. Transfers of funds by Secretary of Senate; approval by Senate resolution; reimbursement

On and after May 4, 1977, the Secretary of the Senate is authorized to make such transfers between appropriations or funds available for disbursement by him for a fiscal year as may be approved by a resolution of the Senate (reported by the Committee on Appropriations of the Senate), and, to the extent necessary, to reimburse, out of funds thereafter made available for disbursement by him for such fiscal year, any appropriation or fund for any amount so transferred from it.

(Pub. L. 95–26, title I, § 108, May 4, 1977, 91 Stat. 85.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 64–3. Reimbursement for United States Capitol Police salaries paid by Senate for service at Federal Law Enforcement Training Center

Notwithstanding any other provision of law, the Secretary of the Senate is authorized to receive moneys from the Department of the Treasury as reimbursements for salaries paid by the United States Senate in connection with certain officers and members of the United States Capitol Police serving as instructors at the Federal Law Enforcement Training Center. Moneys so received shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Pub. L. 95–26, title I, § 111, May 4, 1977, 91 Stat. 87.)

CODIFICATION

Section was taken from the Supplemental Appropriations Act, 1977.

§ 65b. Advances to Sergeant at Arms of the Senate for extraordinary expenses

The Secretary of the Senate on and after July 31, 1958 is authorized, in his discretion, to advance to the Sergeant at Arms of the Senate such sums as may be necessary, not exceeding $4,000, to meet any extraordinary expenses of the Senate.

(As amended Pub. L. 95–26, title I, § 104, May 4, 1977, 91 Stat. 82.)

AMENDMENTS

1977—Pub. L. 95–26 struck out "during any fiscal year" following "$4,000".

§ 67a. Employment of civilian employees of executive branch of Government by Senate Committee on Appropriations; restoration to former position

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3784, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 68. Payments from contingent fund of Senate

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288m, 601 of this title.

§ 68b. Per diem and subsistence expenses from Senate contingent fund

No part of the appropriations made under the heading "Contingent Expenses of the Senate" on and after June 27, 1956 may be expended for per diem and subsistence expenses (as defined in section 5701 of title 5) at rates in excess of the rates in effect under section 5702 of title 5, for employees of agencies; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed the daily rate in effect under section 5702 of title 5, for employees of agencies in the case of travel within the continental limits of the United States. This section shall not apply with respect to per diem or actual travel expenses incurred by Senators and employees in the office of a Senator which are reimbursed under section 58 of this title.

(As amended Aug. 5, 1977, Pub. L. 95–94, title I, § 112(e), 91 Stat. 664; Sept. 8, 1978, Pub. L. 95–355, title I, § 103, 92 Stat. 533.)

AMENDMENTS

1978—Pub. L. 95–355 substituted provisions relating to applicability of rates under section 5702 of Title 5, for employees of agencies, for provisions setting forth specific rates of $35 and $50 per day, respectively, for travel expenses.

1977—Pub. L. 95–94 added provisions relating to applicability to per diem or actual travel expenses incurred by a Senator or his employee reimbursed under section 58 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–94 effective Aug. 5, 1977, see section 112(f) of Pub. L. 95–94, set out as an Effective Date of 1977 Amendment note under section 58 of this title.

§ 69a. Orientation seminars, etc., for new Senators and staff members; payment of expenses

Effective October 1, 1976, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate are authorized to expend from the contingent fund of the Senate such sums as may be necessary, not to exceed $1,000 during any fiscal year, to conduct orientation seminars for new Senators and members of their staffs and similar meetings. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate or Sergeant at Arms and Doorkeeper of the Senate.

(Pub. L. 95–94, title I, § 105, Aug. 5, 1977, 91 Stat. 661.)

CODIFICATION

Section was taken from the Legislative Branch Appropriation Act, 1978.

§ 72a. Committee staffs

OFFICE OF CLASSIFIED NATIONAL SECURITY INFORMATION

Pub. L. 95-391, title I, § 105, Sept. 30, 1978, 92 Stat. 772, provided that:

"(a) For the period beginning on October 1, 1978, and ending on December 31, 1980, there is established within the Office of the Secretary of the Senate an office to be known as the 'Office of Classified National Security Information' (hereafter in this section referred to as the 'Office'). The Office shall be under the policy direction of the Majority Leader, the Minority Leader, and the chairman of the committee on Rules and Administration of the Senate, and shall be under the administrative direction and supervision of the Secretary of the Senate. The Office shall have the responsibility for safeguarding such restricted data and such other classified information as any committee of the Senate may from time to time assign to it.

"(b) The Office shall have authority—

"(1) upon application of any committee of the Senate, to perform the administrative functions necessary to classify and declassify information relating to the national security considerations of nuclear technology in accordance with guidelines developed for restricted data by the responsible executive agencies;

"(2) to provide appropriate facilities for hearings of committees of the Senate at which restricted data or other classified information is to be presented or discussed; and

"(3) to establish and operate a central repository in the United States Capitol for the safeguarding of restricted data and other classified information for which such Office is responsible.

"(c) All records, documents, and data in the custody of the Office of Classified National Security Information established by section 2 of Senate Resolution Numbered 252, Ninety-fifth Congress, are transferred to the Office established by subsection (a).

"(d) As an exercise of the rulemaking power of the Senate, section 2 of Senate Resolution Numbered 252, Ninety-fifth Congress, is repealed effective October 1, 1978."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288, 442 of this title.

§ 72a-1c. Repealed. Pub. L. 95-26, title I, § 106(f), May 4, 1977, 91 Stat. 84

Section, Pub. L. 94-59, title I, § 108, July 25, 1975, 89 Stat. 276; Pub. L. 94-440, title I, § 102, Oct. 1, 1976, 90 Stat. 1443, authorized Senators to hire staff assistance in connection with their committee memberships. See section 72a-1e of this title.

EFFECTIVE DATE OF REPEAL

Section 106(g)(1) of Pub. L. 95-26, title I, May 4, 1977, 91 Stat. 84, which provided that the repeal of this section is effective Mar. 1, 1977, was repealed by Pub. L. 95-94, title I, § 111(e)(1), Aug. 5, 1977, 91 Stat. 663.

§ 72a-1d. Repealed. Pub. L. 95-94, title I, § 111(e)(1), Aug. 5, 1977, 91 Stat. 663

Section, Pub. L. 95-26, title I, § 106(a)-(e), May 4, 1977, 91 Stat. 83, 84, authorized Senators to employ individuals to assist with committee memberships of Senators and set forth compensation limitations and procedures applicable for employment of such individuals. See section 72a-1e of this title and section 111(a), (b) of Pub. L. 95-94, set out as a note under section 61-1 of this title for related provisions.

EFFECTIVE DATE OF REPEAL

Section repealed effective Oct. 1, 1977, see section 111(f) of Pub. L. 95-94, set out as an Effective Date note under section 72a-1e of this title.

EFFECTIVE DATE AND SAVINGS PROVISIONS

Section 106(g) of Pub. L. 95-26, title I, May 4, 1977, 91 Stat. 84, provided that this section is effective Mar. 1, 1977 and set forth savings provisions relating to designations and availability of amounts for employees covered by section 72a-1d of this title, and was repealed by section 111(e)(1) of Pub. L. 95-94, title I, Aug. 5, 1977, 91 Stat. 663.

§ 72a-1e. Assistance to Senators with committee memberships by employees in office of Senator

(1) Designation

A Senator may designate employees in his office to assist him in connection with his membership on committees of the Senate. An employee may be designated with respect to only one committee.

(2) Certification; professional staff privileges

An employee designated by a Senator under this section shall be certified by him to the chairman and ranking minority member of the committee with respect to which such designation is made. Such employee shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it. Nothing contained in this paragraph shall be construed to prohibit a committee from adopting policies and practices with respect to the application of this subsection which are similar to the policies and practices adopted with respect to the application of section 705(c)(1) of Senate Resolution 4, 95th Congress, and section 72a-1d(c)(1) of this title.

(3) Termination

A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this section with respect to such committee is terminated.

(Pub. L. 95-94, title I, § 111(c), Aug. 5, 1977, 91 Stat. 662.)

REFERENCES IN TEXT

Section 705(c)(1) of Senate Resolution 4, 95th Congress, referred to in subsec. (2), which is not classified to the Code, was repealed by Pub. L. 95-94, title I, § 111(e)(2), Aug. 5, 1977, 91 Stat. 663.

Section 72a-1d(c)(1) of this title, referred to in subsec. (2), was repealed by Pub. L. 95-94, title I, § 111(e)(1), Aug. 5, 1977, 91 Stat. 663.

CODIFICATION

Section was taken from the Legislative Branch Appropriation Act, 1978.

EFFECTIVE DATE

Section 111(f) of Pub. L. 95-94 provided that: "This section, and the amendments made by subsection (d) and the repeals made by subsection (e) [enacting this section, amending section 61-1 of this title, enacting notes set out under section 61-1 of this title, and repealing notes set out under section 72a-1d of this title], shall take effect on October 1, 1977."

§ 74a-3. Additional employees in offices of House minority leader, majority whip, and chief majority whip; authorization; compensation

(a) Subject to the provisions of subsection (b) of this section, effective March 1, 1977, there shall be two additional employees in the office of the minority leader, and one additional employee each in the offices of the majority whip and the chief majority whip.

(b) The annual rate of compensation for any individual employed under subsection (a) of this section shall not exceed the annual rate of basic pay of level V of the Executive Schedule of section 5316 of title 5, and until otherwise provided by law such compensation as may be necessary shall be paid from the contingent fund of the House.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 1 of House Resolution No. 393, Ninety-fifth Congress, Mar. 31, 1977, which was enacted into permanent law by Pub. L. 95-94.

§ 74a-4. Additional amounts for personnel and equipment for House majority and minority leaders and majority and minority whips

Effective March 1, 1977, and until otherwise provided by law, there shall be paid out of the contingent fund of the House such additional amounts as may be necessary for office personnel, and rental or lease of necessary equipment, of each of the following officials of the House the following per annum amounts:

(1) The majority leader, $30,000.
(2) The minority leader, $30,000.
(3) The majority whip, $15,000.
(4) The minority whip, $15,000.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 2 of House Resolution No. 393, Ninety-fifth Congress, Mar. 31, 1977, which was enacted into permanent law by Pub. L. 95-94.

§ 74b. Employment of additional administrative assistants

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60j of this title.

§ 75-1. Compensation of Clerk of the House of Representatives

Until otherwise provided by law, the Clerk of the House of Representatives may be compensated at a rate not in excess of the rate of basic pay for one pay level above the maximum pay level for employees of the House of Representatives provided under clause 6(c) of Rule XI of the Rules of the House of Representatives.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on par. (3) of House Resolution No. 8, Ninety-fifth Congress, Jan. 4, 1977, which was enacted into permanent law by Pub. L. 95-94.

PRIOR PROVISIONS

A prior section 75-1, based on House Resolution No. 890, Ninety-second Congress, Oct. 4, 1972, as enacted into permanent law by Pub. L. 92-607, ch. V, § 506, Oct. 31, 1972, 86 Stat. 1509, which set forth the compensation of the Clerk at equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees, was omitted as superseded by this section.

§ 76-1. Compensation of Doorkeeper of the House of Representatives

Until otherwise provided by law, the Doorkeeper of the House of Representatives may be compensated at a rate not in excess of the rate of basic pay for one pay level above the maximum pay level for employees of the House of Representatives provided under clause 6(c) of Rule XI of the Rules of the House of Representatives.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on par. (3) of House Resolution No. 8, Ninety-fifth Congress, Jan. 4, 1977, which was enacted into permanent law by Pub. L. 95-94.

PRIOR PROVISIONS

A prior section 76-1, based on House Resolution No. 890, Ninety-second Congress, Oct. 4, 1972, as enacted into permanent law by Pub. L. 92-607, ch. V, § 508, Oct. 31, 1972, 86 Stat. 1509, which set forth the compensation of the Doorkeeper at equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees, was omitted as superseded by this section.

Another prior section 76-1, based on House Resolution No. 909, Sept. 8, 1966, as enacted into permanent law by Pub. L. 89-697, ch. VI, § 601, Oct. 27, 1966, 80 Stat. 1064, which set forth the compensation of the Doorkeeper of the House at equal to the gross per annum rate of compensation of the Clerk of the House and the Sergeant at Arms of the House, was omitted as superseded by prior section 76-1 enacted by Pub. L. 92-607.

§ 77a. Compensation of Sergeant at Arms of the House of Representatives

Until otherwise provided by law, the Sergeant at Arms of the House of Representatives may be compensated at a rate not in excess of the rate of basic pay for one pay level above the maximum pay level for employees of the House of Representatives provided under clause 6(c) of Rule XI of the Rules of the House of Representatives.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on par. (3) of House Resolution No. 8, Ninety-fifth Congress, Jan. 4, 1977, which was enacted into permanent law by Pub. L. 95-94.

PRIOR PROVISIONS

A prior section 77a, based on House Resolution No. 890, Ninety-second Congress, Oct. 4, 1972, as enacted into permanent law by Pub. L. 92-607, ch. V, § 508, Oct. 31, 1972, 86 Stat. 1509, which set forth the compensation of the Sergeant at Arms at equal to the annual rate of basic pay fixed for level IV of the Executive Schedule under section 5315 of Title 5, Government Organization and Employees, was omitted as superseded by this section.

§ 84-2. Compensation of Chaplain of House

Effective May 1, 1977, and until otherwise provided by law, the per annum gross rate of compensation of the Chaplain of the House of Representatives shall be equal to the rate in effect from time to time for HS level 8, step 4, of the House Employees Schedule.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778.)

CODIFICATION

Section is based on section 3 of House Resolution No. 661, July 29, 1977, which was enacted into permanent law by Pub. L. 95-391.

PRIOR PROVISIONS

A prior section 84-2, Pub. L. 88-426, title II, § 203(f), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90-206, title II, § 214(b), Dec. 16, 1967, 81 Stat. 635, which set forth the compensation of the Chaplain of the House per annum subject to further increases, was omitted as superseded by this section.

§ 84a-1. Official Reporter of Debates or Official Reporter to Committees; adjustment of compensation

Until otherwise provided by law, effective January 1, 1976, the gross salary of an Official Reporter of Debates or an Official Reporter to Committees, whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution, is increased by an amount equal to 5 per centum of his per annum gross rate of pay. Effective as of the effective date of each comparability adjustment, which becomes effective on or after January 1, 1976, in the rates of pay of the Federal statutory pay systems under section 5305 of title 5, or under such section 5305 as modified or otherwise changed by any other provision of law, the per annum gross rate of pay of an Official Reporter of Debates or an Official Reporter to Committees is increased by an amount equal to that per centum of his per annum gross rate of pay which is equal to the average per centum increase made in the pay rates of such statutory pay systems to achieve such pay comparability adjustment in the pay rates of such pay systems. No rate of pay shall be increased by reason of the enactment of this section to an amount in excess of the annual rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5. The contingent fund of the House is made available to carry out the purposes of this section.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on House Resolution No. 1495, Ninety-fourth Congress, Sept. 30, 1976, which was enacted into permanent law by Pub. L. 95-94.

§ 88b-1. Congressional pages

PAY OF PAGES BETWEEN RECESS OR ADJOURNMENT OF NINETY-FIFTH CONGRESS, SECOND SESSION, AND CONVENING OF NINETY-SIXTH CONGRESS, FIRST SESSION

Pub. L. 95-391, title III, § 305, Sept. 30, 1978, 92 Stat. 789, provided that: "The provisions of sections 491(c) and 491(d) of the Legislative Reorganization Act of 1970, as amended (2 U.S.C. 88b-1) [subsecs. (c) and (d) of this section], shall not apply to the pay of pages of the Senate and House of Representatives during the period between the recess or adjournment of the second session of the Ninety-fifth Congress and the convening of the first session of the Ninety-sixth Congress. The pay of Senate and House pages shall continue during such period of recess or adjournment."

§ 104a. Semiannual statements of expenditures by Secretary of the Senate and Clerk of the House of Representatives

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 58 of this title.

§ 118. Actions against officers for official acts

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 118a of this title.

§ 118a. Officers of Senate

Section 118 of this title shall not apply to officers of the Senate.

(Pub. L. 95-521, title VII, § 714(d), Oct. 26, 1978, 92 Stat. 1884.)

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of this title.

§ 119a. Repealed. Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1309

Section, act July 2, 1954, ch. 455, § 101, 68 Stat. 397, provided that on and after July 2, 1954, the Senate Folding Room shall be known as the Senate Service Department. See section 740 of Title 44, Public Printing and Documents.

§ 121a. Senate Barber Shops Revolving Fund

(a) Establishment

There is hereby established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Barber Shops Revolving Fund (hereafter in this section referred to as the "revolving fund").

(b) Deposit of moneys received; disbursements for supplies and expenses

All moneys received by the Senate barber shops from fees for services or from any other source shall be deposited to the credit of the revolving fund. Moneys in the revolving fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for necessary supplies and expenses of the Senate barber shops.

(c) Deposit as miscellaneous receipts of excess moneys in fund

On or before December 31 of each year, the Secretary of the Senate shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of $10,000 in the revolving fund at the close of the preceding fiscal year.

(d) Disbursements upon vouchers

Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate.

(e) Regulations

The Sergeant at Arms and Doorkeeper of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(f) Repealed. Pub. L. 95-26, title I, § 107(a), May 4, 1977, 91 Stat. 85

(As amended Pub. L. 95-26, title I, § 107(a), May 4, 1977, 91 Stat. 85.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-26 substituted "Senate Barber Shops Revolving Fund" for "Senate Employees Barber Shop Revolving Fund".

Subsec. (b). Pub. L. 95-26 substituted "Senate barber shops" for "Senate employees barber shop" and "for necessary supplies and expenses of the Senate barber shops" for "for additional compensation of personnel of the Senate employees barber shop, as determined by the Sergeant at Arms and Doorkeeper of the Senate, and for necessary supplies for the Senate employees barber shop".

Subsec. (c). Pub. L. 95-26 substituted "all moneys in excess of $10,000 in the revolving fund at the close of the preceding fiscal year" for "an amount equal to the amount in the revolving fund at the close of the preceding fiscal year, reduced by the amount of outlays from the revolving fund after the close of such year attributable to obligations incurred during such year".

Subsecs. (d), (e). Pub. L. 95-26 re-enacted subsecs. (d) and (e) without change.

Subsec. (f). Pub. L. 95-26 struck out subsec. (f) which had provided that the section, as originally enacted by Pub. L. 94-440, was effective Oct. 1, 1976.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 107(b) of Pub. L. 95-26 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on April 1, 1977."

§ 122. Repealed. Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778

Section, act July 2, 1954, ch. 455, title I, § 101, 68 Stat. 403; Sept. 7, 1957, Pub. L. 85-301, § 1, 71 Stat. 622; Sept. 29, 1965, Pub. L. 89-211, § 1(a), 79 Stat. 857, provided for office space in the home districts of House Members and the Resident Commissioner from Puerto Rico. See section 122b et seq. of this title.

The repeal of this section is based on section 6(b) of House Resolution No. 687, Sept. 20, 1977, which was enacted into permanent law by Pub. L. 95-391.

EFFECTIVE DATE OF REPEAL

Section 6(b) of House Resolution No. 687, Sept. 20, 1977, provided in part that the repeal of this section is applicable beginning on Jan. 3, 1978, upon the enactment of House Resolution No. 687 as permanent law, which was effected by Pub. L. 95-391, § 111.

NINETY-FIFTH CONGRESS

Section 6(a) of House Resolution No. 687, Sept. 20, 1977, enacted into permanent law by Pub. L. 95-391, provided that this section would not be effective in the Ninety-fifth Congress beginning on Jan. 3, 1978.

§ 122a. Reimbursement of House Members and Resident Commissioner for office expenses outside District of Columbia

REIMBURSEMENT OF EXPENSES OF HOUSE MEMBERS; MEMBER OF HOUSE OF REPRESENTATIVES AND MEMBER DEFINED

Section 302(a), (b), and (d) of House Resolution No. 287, Ninety-fifth Congress, Mar. 2, 1977, enacted into permanent law by Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, provided that:

"(a) Notwithstanding any other provision of law and until otherwise provided by law—

"(1) effective January 3, 1977, each Member of the House of Representatives shall be entitled to reimbursement under the nineteenth paragraph under the subheading 'CONTINGENT EXPENSES OF THE HOUSE' under the heading 'HOUSE OF REPRESENTATIVES' in the Legislative Appropriation Act, 1955 (2 U.S.C. 122a), or under chapter 4, section 401, of the Supplemental Appropriations Act, 1972 (2 U.S.C. 56), for any official expense incurred in the United States; and

"(2) the Clerk of the House may make disbursements under the paragraph referred to in paragraph (1) by (A) direct payment to the person from whom goods or services are obtained by the Member involved under such paragraph; or (B) reimbursement to the Member involved or person designated by the Member.

"(b) Effective January 3, 1978, notwithstanding any other provision of law and until otherwise provided by law, and conditional upon the adoption of a House rule prohibiting Members of the House of Representatives from maintaining unofficial office accounts, the entitlement of each Member of the House of Representatives under the nineteenth paragraph under the subheading 'CONTINGENT EXPENSES OF THE HOUSE' under the heading 'HOUSE OF REPRESENTATIVES' in the Legislative Appropriation Act, 1955 (2 U.S.C. 122a), or under chapter 4, section 401, of the Supplemental Appropriation Act, 1972 (2 U.S.C. 56), shall not exceed $7,000 annually.

"(d) For purposes of this section, the terms 'Member of the House of Representatives' and 'Member' mean each Representative in, or Delegate or Resident Commissioner to, the House of Representatives."

Section 302(a), (b), and (d) of House Resolution No. 287 is also set out as a note under section 56 of this title. Section 302(c) of such resolution is set out as a note under section 41 of this title.

§ 122b. Leasing of office space in home districts of House Members

Effective January 3, 1978, and until otherwise provided by law, the Clerk of the House may disburse funds from the contingent fund of the House of behalf of each Member of the House of Representatives, in accordance with the provisions of sections 122b to 122g of this title, to defray the cost of leasing suitable office space for use by such Member in the district from which he is elected or in any location which is in close proximity to such district.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778.)

CODIFICATION

Section is based on section 1 of House Resolution No. 687, September 20, 1977, which was enacted into permanent law by Pub. L. 95-391.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122c, 122d, 122e, 122f, 122g of this title.

§ 122c. Determination of disbursable annual amount

The annual amount which may be disbursed on behalf of each Member under sections 122b to 122g of this title shall be an amount equal to the product of two thousand five hundred square feet multiplied by the maximum applicable annual rate per square foot in the region encompassing the congressional district from which such Member is elected or in which the Member maintains a district office, as determined by the Administrator of General Services under section 490(j) of title 40.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778.)

CODIFICATION

Section is based on section 2 of House Resolution No. 687, September 20, 1977, which was enacted into permanent law by Pub. L. 95-391.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122b, 122d, 122e, 122f, 122g of this title.

§ 122d. Authorization by Committee on House Administration

Each Member who desires the Clerk to disburse funds under sections 122b to 122g of this title in connection with office space leased by such Member shall submit to the Committee on House Administration two copies of each lease agreement involved. If the committee determines that such lease agreement conforms with any requirements established by the committee by regulation, the committee shall authorize the Clerk to make disbursements on behalf of such Member.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778.)

CODIFICATION

Section is based on section 3 of House Resolution No. 687, September 20, 1977, which was enacted into permanent law by Pub. L. 95-391.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122b, 122c, 122e, 122f, 122g of this title.

§ 122e. Office equipment, carpeting, and draperies

The Administrator of General Services shall, in accordance with regulations prescribed by the committee, furnish suitable office equipment, carpeting, and draperies for office space acquired under sections 122b to 122g of this title.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778.)

CODIFICATION

Section is based on section 4 of House Resolution No. 687, September 20, 1977, which was enacted into permanent law by Pub. L. 95-391.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122b, 122c, 122d, 122f, 122g of this title.

§ 122f. Rules and regulations

The committee shall prescribe such regulations as may be necessary to carry out the provisions of sections 122b to 122g of this title.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778.)

CODIFICATION

Section is based on section 5 of House Resolution No. 687, September 20, 1977, which was enacted into permanent law by Pub. L. 95-391.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122b, 122c, 122d, 122e, 122g of this title.

§ 122g. Definitions

For purposes of sections 122b to 122g of this title—

(1) the term "Clerk" means the Clerk of the House;

(2) the term "committee" means the Committee on House Administration; and

(3) the terms "Members of the House of Representatives" and "Member" mean any Representative in the Congress, the Resident Commissioner from Puerto Rico, and the Delegates from the District of Columbia, Guam, and the Virgin Islands.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778.)

CODIFICATION

Section is based on section 7 of House Resolution No. 687, September 20, 1977, which was enacted into permanent law by Pub. L. 95-391.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122b, 122c, 122d, 122e, 122f of this title.

§ 123c. Data processing equipment, softwares, and services

Notwithstanding any other provision of law, the Sergeant at Arms, subject to the approval of the Committee on Rules and Administration, is hereafter authorized to enter into multi-year contracts for data processing equipment, software, and services.

(As amended Pub. L. 95-26, title I, § 103, May 4, 1977, 91 Stat. 82.)

AMENDMENTS

1977—Pub. L. 95-26 substituted "multi-year contracts for data processing equipment, software, and services" for "multi-year leases for automatic data processing equipment".

§ 130. Repealed. Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778

Section, Pub. L. 87-730, § 103, Oct. 2, 1962, 76 Stat. 693; H. Res. 163, Mar. 19, 1975; Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, authorized the payment of expenses of participation by the House in interparliamentary institutions. See section 130-1 of this title.

The repeal of this section is based on a part of section 2 of House Resolution No. 1047, Apr. 4, 1978, which was enacted into permanent law by Pub. L. 95-391.

EFFECTIVE DATE OF REPEAL

Section 2 of House Resolution No. 1047, which was enacted into permanent law by Pub. L. 95-391, provided in part that the repeal of this section is effective upon the enactment of House Resolution No. 1047 as permanent law, which was effected by Pub. L. 95-391, § 111, effective Sept. 30, 1978.

NINETY-FIFTH CONGRESS

Section 2 of House Resolution No. 1047, Apr. 4, 1978, enacted into permanent law by Pub. L. 95-391, provided in part that this section would not be effective in the Ninety-fifth Congress upon the adoption of H. Res. 1047, Apr. 4, 1978.

AUTHORIZATION FOR PAYMENT OF EXPENSES FROM CONTINGENT FUND OF HOUSE OF REPRESENTATIVES FOR PARTICIPATORY ACTIVITIES

Section 1 of House Resolution No. 434, Ninety-fifth Congress, Mar. 31, 1977, enacted into permanent law by Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668, which provided that, until otherwise provided by law, there was to have been paid out of the contingent fund of the House of Representatives such sums as may have been necessary, but not to exceed $15,000 in any calendar year, for the payment of expenses incurred in carrying out this section, was repealed by section 2 of H. Res. 1047, Apr. 4, 1978, which was enacted into permanent law by section 111 of Pub. L. 95-391, effective Sept. 30, 1978.

§ 130-1. Participation by House in interparliamentary institutions; reception of members of foreign legislative bodies and foreign officials; meetings with government officials

(a) It is the purpose of this section to enable the House of Representatives more properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions, to facilitate the interchange and reception in the United States of members of foreign legislative bodies and permanent officials of foreign governments, and to enable the House of Representatives to host meetings with senior United States Government officials and other dignitaries in order to discuss matters relevant to United States relations with other countries.

(b) For payment of expenses incurred in carrying out subsection (a) of this section, there shall be paid out of the contingent fund of the House, until otherwise provided by law, such sums as may be necessary but not to exceed $55,000 in any calendar year. Such payments shall be made on vouchers signed by the chairman of the Committee on International Relations and approved by the Committee on House Administration.

(Pub. L. 95-391, title I, § 111, Sept. 30, 1978, 92 Stat. 778.)

CODIFICATION

Section is based on section 1 of House Resolution No. 1047, April 4, 1978, which was enacted into permanent law by Pub. L. 95-391.

CHAPTER 5—LIBRARY OF CONGRESS

Sec.
171. Congressional declaration of findings and purpose as to Center for the Book [New].
172. Definitions [New].
173. Establishment of Center for the Book [New].
174. Function of Center for the Book [New].
175. Administrative provisions [New].

§ 131. Collections composing Library; location

The Library of Congress, composed of the books, maps, and other publications which on December 1, 1873, remained in existence, from the collections theretofore united under authority of law and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, acquisition of material under the copyright law, and otherwise, shall be preserved in the Library Building. The law library shall be preserved in the Capitol in the rooms which were on July 4, 1872, appropriated to its use, and in such others as may hereafter be assigned thereto.

(As amended Oct. 19, 1976, Pub. L. 94-553, title I, § 105(g), 90 Stat. 2599.)

AMENDMENTS

1976—Pub. L. 94-553 substituted "acquisition of material under the copyright law" for "deposit to secure copyright".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553 set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

§ 141. Duties of Architect of the Capitol and Librarian of Congress

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Pub. L. 89-260, Oct. 19, 1965, 79 Stat. 987, as amended by Pub. L. 91-214, § 1, Mar. 16, 1970, 84 Stat. 69; Pub. L. 94-219, Feb. 27, 1976, 90 Stat. 194; Pub. L. 95-548, Oct. 30, 1978, 92 Stat. 2064, provided:

[See main edition for text of secs. 1 and 2]

"SEC. 3. There is hereby authorized to be appropriated not to exceed $130,675,000 to construct the building authorized by this joint resolution (including the preparation of all necessary designs, plans, and specifications).

"There is also authorized to be appropriated not exceeding $10,000 to pay the expenses of the James Madison Memorial Commission."

§ 142b. Certifying officers of the Library of Congress; accountability; relief by Comptroller General

On and after June 13, 1957, each officer and employee of the Library of Congress, including the Copyright Office, who has been duly authorized in writing by the Librarian of Congress to certify vouchers for payment from appropriations and funds, shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; (2) [Repealed]; (3) be held responsible and accountable for the correctness of the computations of certified vouchers; and (4) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the

appropriation or fund involved: *Provided*, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 244 of title 31, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

(Pub. L. 85-53, § 1, June 13, 1957, 71 Stat. 81; Pub. L. 92-310, title II, § 220(k), June 6, 1972, 86 Stat. 205.)

CODIFICATION

Section is set out in this supplement to reflect the reclassification of section 66 of Title 49, Transportation, to section 244 of Title 31, Money and Finance.

§ 142e. Congressional Budget Office; computation and disbursement of basic pay by Library of Congress

The Library of Congress is authorized to compute and disburse the basic pay of all personnel of the Congressional Budget Office pursuant to the provisions of section 5504 of title 5, except the Director, who as head of an agency, shall have pay computed and disbursed pursuant to the provisions of section 5505 of title 5.

(Pub. L. 95-391, title II, § 207, Sept. 30, 1978, 92 Stat. 786.)

SIMILAR PROVISIONS

Section is from the Legislative Branch Appropriation Act, 1979. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 95-94, title II, § 207, Aug. 5, 1977, 91 Stat. 678.

Pub. L. 94-440, title VIII, § 808, Oct. 1, 1976, 90 Stat. 1458.

Pub. L. 94-157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 835.

§ 143a. Disbursement of funds

SIMILAR PROVISIONS

Pub. L. 95-391, title II, § 203, Sept. 30, 1978, 92 Stat. 785.

Pub. L. 95-94, title II, § 203, Aug. 5, 1977, 91 Stat. 677.

§ 150. Sale of copies of card indexes and other publications

The Librarian of Congress is authorized to furnish to such institutions or individuals as may desire to buy them, such copies of the card indexes and other publications of the Library as may not be required for its ordinary transactions, and charge for the same a price which will cover their cost and ten per centum added, and all moneys received by him shall be deposited in the Treasury and shall be credited to the appropriation for necessary expenses for the preparation and distribution of catalog cards and other publications of the Library.

(As amended Aug. 5, 1977, Pub. L. 95-94, title IV, § 405(a), 91 Stat. 682.)

AMENDMENTS

1977—Pub. L. 95-94 added provisions relating to crediting of the moneys deposited in the Treasury.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 405(b) of Pub. L. 95-94 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1977."

§ 154. Library of Congress Trust Fund Board; members; quorum; seal; rules and regulations

A board is created and established, to be known as the "Library of Congress Trust Fund Board" (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury (or an Assistant Secretary designated in writing by the Secretary of the Treasury), the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively). Three members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

(As amended May 12, 1978, Pub. L. 95-277, 92 Stat. 236.)

AMENDMENTS

1978—Pub. L. 95-277 added "(or an Assistant Secretary designated in writing by the Secretary of the Treasury)" following "Secretary of the Treasury".

§ 162. Compensation of Library of Congress employees

Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the librarian, or in connection with cooperative undertakings in which the Library of Congress is engaged, shall not be subject to section 209 of title 18; and section 5533 of title 5 shall not apply to any additional compensation so paid to such employees.

(Mar. 3, 1925, ch. 423, § 6, 43 Stat. 1108; Jan. 27, 1926, ch. 6, § 2, 44 Stat. 2; Aug. 19, 1964, Pub. L. 88-448, title IV, § 401(j), 78 Stat. 491.)

CODIFICATION

"Section 209 of title 18" was substituted for reference to the Act of March 3, 1917, 39 Stat. 1106 (5 U.S.C. 66), on authority of (1) act June 25, 1948, ch. 645, 62 Stat. 683, section 1 of which enacted Title 18, Crimes and Criminal Procedure, and which enacted in section 1914 of Title 18 the provisions formerly classified to section 66 of Title 5; and (2) section 2 of Pub. L. 87-849, Oct. 23, 1962, 76 Stat. 1126, which repealed sec-

tion 1914 of title 18 and supplanted it with section 209, and which provided that exemptions from section 1914 shall be deemed exemptions from section 209. For further details, see Exemptions note set out under section 281 of Title 18.

"Section 5533 of title 5" was substituted for "section 301 of the Dual Compensation Act [5 U.S.C. 3105]" on authority of sec. 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was also set out in sections 60 and 65 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

§ 167j. Area comprising Library of Congress grounds; buildings and grounds defined

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 40 section 136.

§ 169. Positions in Library of Congress exempt from citizenship requirement

REPEATED

Pub. L. 95-391, title II, § 202, Sept. 30, 1978, 92 Stat. 785.

Pub. L. 95-94, title II, § 202, Aug. 5, 1977, 91 Stat. 677.

§ 171. Congressional declaration of findings and purpose as to Center for the Book

The Congress hereby finds and declares—

(1) that the Congress of the United States on April 24, 1800, established for itself a library of the Congress;

(2) that in 1815, the Congress purchased the personal library of the third President of the United States which contained materials on every science known to man and described such a collection as a "substratum of a great national library";

(3) that the Congress of the United States in recognition of the importance of printing and its impact on America purchased the Gutenberg Bible in 1930 for the Nation for placement in the Library of Congress;

(4) that the Congress of the United States has through statute and appropriations made this library accessible to any member of the public;

(5) that this collection of books and other library materials has now become one of the greatest libraries in civilization;

(6) that the book and the printed word have had the most profound influence on American civilization and learning and have been the very foundation on which our democratic principles have survived through our two hundred-year history;

(7) that in the year 1977, the Congress of the United States assembled hereby declares its reaffirmation of the importance of the printed word and the book and recognizes the importance of a Center for the Book to the continued study and development of written record as central to our understanding of ourselves and our world.

It is therefore the purpose of sections 171 to 175 of this title to establish a Center for the Book in the Library of Congress to provide a program for the investigation of the transmission of human knowledge and to heighten public interest in the role of books and printing in the diffusion of this knowledge.

(Pub. L. 95-129, § 1, Oct. 13, 1977, 91 Stat. 1151.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 172 of this title.

§ 172. Definitions

As used in sections 171 to 175 of this title—

(1) the term Center means the Center for the Book;

(2) the term Librarian means the Librarian of Congress.

(Pub. L. 95-129, § 2, Oct. 13, 1977, 91 Stat. 1151.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 171 of this title.

§ 173. Establishment of Center for the Book

There is hereby established in the Library of Congress a Center for the Book.

The Center shall be under the direction of the Librarian of Congress.

(Pub. L. 95-129, § 3, Oct. 13, 1977, 91 Stat. 1151.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 171, 172 of this title.

§ 174. Function of Center for the Book

The Librarian through the Center shall stimulate public interest and research in the role of the book in the diffusion of knowledge through such activities as a visiting scholar program accompanied by lectures, exhibits, publications, and any other related activities.

(Pub. L. 95-129, § 4, Oct. 13, 1977, 91 Stat. 1152.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 171, 172 of this title.

§ 175. Administrative provisions

The Librarian of Congress, in carrying out the Center's functions, is authorized to—

(1) prescribe such regulations as he deems necessary;

(2) receive money and other property donated, bequeathed, or devised for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purposes of carrying out the Center's functions, without reference to Federal disposal statutes; and

(3) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5.

(Pub. L. 95-129, § 5, Oct. 13, 1977, 91 Stat. 1152.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 171, 172 of this title.

CHAPTER 6—CONGRESSIONAL AND COMMITTEE PROCEDURE; INVESTIGATIONS

§ 190. Repealed. S. Res. 4, § 301(b), Feb. 4, 1977

Section, act Aug. 2, 1946, ch. 753, title I, § 137, 60 Stat. 832, directed that controversies arising as to the

jurisdiction of any standing committee of the Senate with respect to any proposed legislation be decided by the presiding officer of the Senate in favor of the committee having jurisdiction over the subject matter which predominated in the proposed legislation.

§ 190a. Committee meetings

[*See main edition for text of* (a)]

(b) Record of committee action; public announcement of committee votes

Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any such standing committee of the Senate upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

[*See main edition for text of* (c) *to* (h)]

CODIFICATION

Subsec. (b) is set out in this supplement to correct error appearing in the main edition, in which all of subsec. (b) was shown to have been repealed by S. Res. 9. In fact, only the first sentence of subsec. (b) was repealed by S. Res. 9.

AMENDMENTS

1975—Subsec. (b). S. Res. 9 struck out provisions which had required that meetings of standing committees of the Senate for the transaction of business be open to the public except during executive sessions for marking up bills or for voting or when the committee by majority vote ordered an executive session.

§ 190b. Authority of Senate standing committees and subcommittees

[*See main edition for text of* (a)]

(b) Repealed. S. Res. 4, § 402(c), Feb. 4, 1977.

(As amended S. Res. 4, § 402(c), Feb. 4, 1977.)

AMENDMENTS

1977—Subsec. (b). S. Res. 4, repealed subsec. (b) which directed that, with certain specified exceptions, standing committees of the Senate not sit without special leave while the Senate is in session.

§ 190j. Cost estimates in reports of Senate committees accompanying certain legislative measures; Committee on Appropriations exception; report information

[*See main edition for text of* (1) *and* (2)]

(3) Repealed. Aug. 1, 1946, ch. 724, § 302(d), as added Aug. 30, 1954, ch. 1073, § 1, as added Sept. 20, 1977, Pub. L. 95-110, § 1, 91 Stat. 884.

(As amended Aug. 1, 1946, ch. 724, § 302(d), as added Aug. 30, 1954, ch. 1073, § 1, as added Sept. 20, 1977, Pub. L. 95-110, § 1, 91 Stat. 884.)

AMENDMENTS

1977—Par. (3). Pub. L. 95-110 repealed par. (3) which provided that, for purposes of the section, members of the Joint Committee on Atomic Energy who were members of the Senate were to be deemed a committee of the Senate.

§ 192. Refusal of witness to testify or produce papers

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 194 of this title; title 18 section 3401; title 50 App. section 2162.

§ 193. Privilege of witnesses

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 2162.

§ 194. Certification of failure to testify or produce; grand jury action

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288d, 288g of this title; title 50 App. section 2162.

CHAPTER 9—OFFICE OF LEGISLATIVE COUNSEL

SUBCHAPTER I—SENATE

§ 274. Assistant Legislative Counsel; clerks and employees; office equipment and supplies

ADDITIONAL SENIOR COUNSEL

Pub. L. 95-391, title I, § 102, Sept. 30, 1978, 92 Stat. 771, provided that: "Effective October 1, 1978, the number of employees in the Office of the Legislative Counsel of the Senate who may be designated as, and receive the compensation of, a Senior Counsel is increased to five."

SUBCHAPTER II—HOUSE OF REPRESENTATIVES

PART II—ADMINISTRATION

§ 282b. Compensation

[*See main edition for text of* (a)]

(b) Members of the staff of the Office other than the Legislative Counsel shall be paid at per annum gross rates fixed by the Legislative Counsel with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of the rate of basic pay for one pay level above the maximum pay level for employees of the House of Representatives provided under clause 6(c) of Rule XI of the Rules of the House of Representatives.

(As amended Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Amendment by Pub. L. 95-94 is based on par. (2) of House Resolution No. 8, Ninety-fifth Congress, Jan. 4, 1977, which was enacted into permanent law by Pub. L. 95-94.

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-94 substituted provisions authorizing compensation at a rate not in excess of the rate of basic pay for one pay level above the maximum pay level for House employees provided under cl. 6(c) of Rule XI of the Rules of the House of Representatives, for provisions authorizing compensation at per annum gross rates not in excess of a per annum gross rate equal to the rate of basic pay for

level V of the Executive Schedule of section 5316 of title 5.

CHAPTER 9C—OFFICE OF THE PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES [NEW]

Sec.
287. Establishment.
287a. Parliamentarian.
287b. Staff; Deputy Parliamentarian; delegation of functions.
287c. Compensation.
287d. Expenditures.

§ 287. Establishment

There is hereby established in the House of Representatives an office to be known as the Office of the Parliamentarian, hereinafter in this chapter referred to as the "Office".

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 1 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95-94.

EFFECTIVE DATE

Section 6 of H. Res. 502, Apr. 20, 1977, as enacted into permanent law by section 115 of Pub. L. 95-94, provided that: "This resolution [this chapter] shall take effect as of March 1, 1977, and shall continue in effect until otherwise provided by law."

§ 287a. Parliamentarian

The management, supervision, and administration of the Office shall be vested in the Parliamentarian, who shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 2 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95-94.

CROSS REFERENCES

Parliamentarian to compile precedents of House, see sections 28, 29 of this title.

§ 287b. Staff; Deputy Parliamentarian; delegation of functions

(a) With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Parliamentarian shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Parliamentarian with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(b)(1) One of the attorneys appointed under subsection (a) of this section shall be designated by the Parliamentarian as Deputy Parliamentarian. During the absence or disability of the Parliamentarian, or when the office is vacant, the Deputy Parliamentarian shall perform the functions of the Parliamentarian.

(2) The Parliamentarian may delegate to the Deputy Parliamentarian and to other employees appointed under subsection (a) of this section such of the functions of the Parliamentarian as the Parliamentarian considers necessary or appropriate.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 3 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95-94.

§ 287c. Compensation

(a) The Parliamentarian shall be paid at a per annum gross rate established by the Speaker but not in excess of the rate of basic pay determined from time to time under subsection (b) of section 3 of the Speaker's salary directive of June 11, 1968.

(b) Members of the staff of the Office other than the Parliamentarian shall be paid at per annum gross rates fixed by the Parliamentarian with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of the rate of basic pay set forth in subsection (a) of this section.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

REFERENCES IN TEXT

Subsection (b) of section 3 of the Speaker's salary directive of June 11, 1968, referred to in subsec. (a), is set out as a note under section 60a-2 of this title.

CODIFICATION

Section is based on section 4 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95-94.

§ 287d. Expenditures

In accordance with policies and procedures approved by the Speaker, the Parliamentarian may make such expenditures as may be necessary or appropriate for the functioning of the Office.

(Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

CODIFICATION

Section is based on section 5 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95-94.

CHAPTER 9D—OFFICE OF SENATE LEGAL COUNSEL [NEW]

Sec.
288. Office of Senate Legal Counsel.
(a) Establishment; appointment of Counsel and Deputy Counsel; Senate approval; reappointment; compensation.
(b) Assistant counsels and other personnel; compensation; appointment; removal.

Sec.
(c) Consultants.
(d) Policies and procedures.
(e) Delegation of duties.
(f) Attorney-client relationship.
288a. Senate Joint Leadership Group.
(a) Accountability of office.
(b) Membership.
(c) Assistance of Secretary of Senate.
288b. Requirements for authorizing representation activity.
(a) Direction of Joint Leadership Group or Senate resolution.
(b) Civil action to enforce subpena.
(c) Intervention or appearance.
(d) Immunity proceedings.
(e) Resolution recommendations.
288c. Defending the Senate, committee, subcommittee, member, officer, or employee of the Senate.
288d. Enforcement of Senate subpena or order.
(a) Institution of civil actions.
(b) Actions in name of committees and subcommittees.
(c) Consideration of resolutions authorizing actions.
(d) Rules of Senate.
(e) Committee reports.
(f) Certification of failure to testify; contempt.
288e. Intervention or appearance.
(a) Actions or proceedings.
(b) Notification; publication.
(c) Powers and responsibilities of Congress.
288f. Immunity proceedings.
288g. Advisory and other functions.
(a) Cooperation with persons, committees, subcommittees, and offices.
(b) Legal research files.
(c) Miscellaneous duties.
288h. Defense of certain constitutional powers.
288i. Representation conflict or inconsistency.
(a) Notification.
(b) Solution; publication in Congressional Record; review.
(c) Computation of period following publication.
(d) Reimbursement.
288j. Consideration of resolutions to direct counsel.
(a) Procedure; rules.
(b) Definition.
(c) Rules of the Senate.
288k. Attorney General relieved of responsibility.
288l. Procedural provisions.
(a) Intervention or appearance.
(b) Compliance with admission requirements.
(c) Standing to sue; jurisdiction.
288m. Contingent fund.

§ 288. Office of Senate Legal Counsel

(a) Establishment; appointment of Counsel and Deputy Counsel; Senate approval; reappointment; compensation

(1) There is established, as an office of the Senate, the Office of Senate Legal Counsel (hereinafter referred to as the "Office"), which shall be headed by a Senate Legal Counsel (hereinafter referred to as the "Counsel"); and there shall be a Deputy Senate Legal Counsel (hereinafter referred to as the "Deputy Counsel") who shall perform such duties as may be assigned to him by the Counsel and who, during any absence, disability, or vacancy in the position of the Counsel, shall serve as Acting Senate Legal Counsel.

(2) The Counsel and the Deputy Counsel each shall be appointed by the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the Senate. Any appointment made under this paragraph shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Counsel or Deputy Counsel shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(3)(A) Any appointment made under paragraph (2) shall become effective upon approval by resolution of the Senate. The Counsel and the Deputy Counsel shall each be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Counsel or Deputy Counsel, respectively, is appointed except that the Senate may, by resolution, remove either the Counsel or the Deputy Counsel prior to the termination of any term of service. The Counsel and the Deputy Counsel may be reappointed at the termination of any term of service.

(B) The first Counsel and the first Deputy Counsel shall be appointed, approved, and begin service within ninety days after January 3, 1979, and thereafter the Counsel and Deputy Counsel shall be appointed, approved, and begin service within thirty days after the beginning of the session of the Congress immediately following the termination of a Counsel's or Deputy Counsel's term of service or within sixty days after a vacancy occurs in either position.

(4) The Counsel shall receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5314 of title 5. The Deputy Counsel shall receive compensation at a rate equal to the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5.

(b) Assistant counsels and other personnel; compensation; appointment; removal

(1) The Counsel shall select and fix the compensation of such Assistant Senate Legal Counsels (hereinafter referred to as "Assistant Counsels") and of such other personnel, within the limits of available funds, as may be necessary to carry out the provisions of this chapter and may prescribe the duties and responsibilities of such personnel. The compensation fixed for each Assistant Counsel shall not be in excess of a rate equal to the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5. Any selection made under this paragraph shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any individual selected as an Assistant Counsel shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during his term of service. The Counsel may remove any individual appointed under this paragraph.

(2) For purposes of pay (other than the rate of pay of the Counsel and Deputy Counsel) and employment benefits, right, and privileges, all personnel of the Office shall be treated as employees of the Senate.

(c) Consultants

In carrying out the functions of the Office, the Counsel may procure the temporary (not to exceed one year) or intermittent services of individual consultants (including outside counsel), or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 72a(i) of this title.

(d) Policies and procedures

The Counsel may establish such policies and procedures as may be necessary to carry out the provisions of this chapter.

(e) Delegation of duties

The counsel may delegate authority for the performance of any function imposed by this chapter except any function imposed upon the Counsel under section 288e(b) of this title.

(f) Attorney-client relationship

The Counsel and other employees of the Office shall maintain the attorney-client relationship with respect to all communications between them and any Member, officer, or employee of the Senate.

(Pub. L. 95–521, title VII, § 701, Oct. 26, 1978, 92 Stat. 1875.)

REFERENCES IN TEXT

"This chapter", referred to in subsecs. (b)(1), (d), and (e), was, in the original, "this title", meaning title VII of Pub. L. 95–521, which enacted this chapter, section 118a of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, amended sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacted provisions set out as notes under this section.

EFFECTIVE DATE

Section 717 of Pub. L. 95–521 provided that: "This title [enacting this chapter, section 118a of this title, section 1364 of Title 28, Judiciary and Judicial Procedure, amending sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under this section] shall take effect on January 3, 1979."

SEPARABILITY OF PROVISIONS

Section 715 of Pub. L. 95–521 provided that: "If any part of this title or any amendment made by this title [enacting this chapter, section 118a of this title, section 1364 of Title 28, Judiciary and Judicial Procedure, amending sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under this section] is held invalid, the remainder of the title and any amendment made by this title shall not be affected thereby. If any provision of any part of this title or of any amendment made by this title, or the application thereof to any person or circumstance is held invalid, the provisions of other parts and of any amendment made by this title and their application to other persons or circumstances shall not be affected thereby."

§ 288a. Senate Joint Leadership Group

(a) Accountability of office

The Office shall be directly accountable to the Joint Leadership Group in the performance of the duties of the Office.

(b) Membership

For purposes of this chapter, the Joint Leadership Group shall consist of the following Members:

(1) The President pro tempore (or if he so designates, the Deputy President pro tempore) of the Senate.

(2) The majority and minority leaders of the Senate.

(3) The Chairman and ranking minority Member of the Committee on the Judiciary of the Senate.

(4) The Chairman and ranking minority Member of the committee of the Senate which has jurisdiction over the contingent fund of the Senate.

(c) Assistance of Secretary of Senate

The Joint Leadership Group shall be assisted in the performance of its duties by the Secretary of the Senate.

(Pub. L. 95–521, title VII, § 702, Oct. 26, 1978, 92 Stat. 1877.)

§ 288b. Requirements for authorizing representation activity

(a) Direction of Joint Leadership Group or Senate resolution

The Counsel shall defend the Senate or a committee, subcommittee, Member, officer, or employee of the Senate under section 288c of this title only when directed to do so by two-thirds of the Members of the Joint Leadership Group or by the adoption of a resolution by the Senate.

(b) Civil action to enforce subpena

The Counsel shall bring a civil action to enforce a subpena of the Senate or a committee or subcommittee of the Senate under section 288d of this title only when directed to do so by the adoption of a resolution by the Senate.

(c) Intervention or appearance

The Counsel shall intervene or appear as amicus curiae under section 288e of this title only when directed to do so by a resolution adopted by the Senate when such intervention or appearance is to be made in the name of the Senate or in the name of an officer, committee, subcommittee, or chairman of a committee or subcommittee of the Senate.

(d) Immunity proceedings

The Counsel shall serve as the duly authorized representative in obtaining an order granting immunity under section 288f of this title of—

(1) the Senate when directed to do so by an affirmative vote of a majority of the Members present of the Senate; or

(2) a committee or subcommittee of the Senate when directed to do so by an affirmative vote of two-thirds of the members of the full committee.

(e) Resolution recommendations

The Office shall make no recommendation with respect to the consideration of a resolution under this section.

(Pub. L. 95–521, title VII, § 703, Oct. 26, 1978, 92 Stat. 1877.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288c, 288d, 288e, 288f, 288j of this title.

§ 288c. Defending the Senate, committee, subcommittee, member, officer, or employee of the Senate

(a) Except as otherwise provided in subsection (b) of this section, when directed to do so pursuant to section 288b(a) of this title, the Counsel shall—

(1) defend the Senate, a committee, subcommittee, Member, officer, or employee of the Senate in any civil action pending in any court of the United States or of a State or political subdivision thereof, in which the Senate, such committee, subcommittee, Member, officer, or employee is made a party defendant and in which there is placed in issue the validity of any proceeding of, or action, including issuance of any subpena or order, taken by the Senate, or such committee, subcommittee, Member, officer, or employee in its or his official or representative capacity; or

(2) defend the Senate or a committee, subcommittee, Member, officer, or employee of the Senate in any proceeding with respect to any subpena or order directed to the Senate or such committee, subcommittee, Member, officer, or employee in its or his official or representative capacity.

(b) Representation of a Member, officer, or employee under subsection (a) of this section shall be undertaken by the Counsel only upon the consent of such Member, officer, or employee.

(Pub. L. 95–521, title VII, § 704, Oct. 26, 1978, 92 Stat. 1877.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288b, 288g, 288k of this title.

§ 288d. Enforcement of Senate subpena or order

(a) Institution of civil actions

When directed to do so pursuant to section 288b(b) of this title, the Counsel shall bring a civil action under any statute conferring jurisdiction on any court of the United States (including section 1364 of title 28), to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened failure or refusal to comply with, any subpena or order issued by the Senate or a committee or a subcommittee of the Senate authorized to issue a subpena or order.

(b) Actions in name of committees and subcommittees

Any directive to the Counsel to bring a civil action pursuant to subsection (a) of this section in the name of a committee or subcommittee of the Senate shall, for such committee or subcommittee, constitute authorization to bring such action within the meaning of any statute conferring jurisdiction on any court of the United States.

(c) Consideration of resolutions authorizing actions

It shall not be in order in the Senate to consider a resolution to direct the Counsel to bring a civil action pursuant to subsection (a) of this section in the name of a committee or subcommittee unless—

(1) such resolution is reported by a majority of the members voting, a majority being present, of such committee or committee of which such subcommittee is a subcommittee, and

(2) the report filed by such committee or committee of which such subcommittee is a subcommittee contains a statement of—

(A) the procedure followed in issuing such subpena;

(B) the extent to which the party subpenaed has complied with such subpena;

(C) any objections or privileges raised by the subpenaed party; and

(D) the comparative effectiveness of bringing a civil action under this section, certification of a criminal action for contempt of Congress, and initiating a contempt proceeding before the Senate.

(d) Rules of Senate

The provisions of subsection (c) of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate, and, as such, they shall be considered as part of the rules of the Senate, and such rules shall supersede any other rule of the Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules (so far as relating to the procedure in the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(e) Committee reports

A report filed pursuant to subsection (c)(2) of this section shall not be receivable in any court of law to the extent such report is in compliance with such subsection.

(f) Certification of failure to testify; contempt

Nothing in this section shall limit the discretion of—

(1) the President pro tempore of the Senate in certifying to the United States Attorney for the District of Columbia any matter pursuant to section 194 of this title; or

(2) the Senate to hold any individual or entity in contempt of the Senate.

(Pub. L. 95–521, title VII, § 705(a)-(e), (g), Oct. 26, 1978, 92 Stat. 1878, 1880.)

CODIFICATION

Subsec. (f) of this section was, in the original, subsec. (g) of section 705 of Pub. L. 95–521, title VII, Oct. 26, 1978, 92 Stat. 1880, which was redesignated subsec. (f) for purposes of codification.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288b, 288j of this title.

§ 288e. Intervention or appearance

(a) Actions or proceedings

When directed to do so pursuant to section 288b(c) of this title, the Counsel shall intervene or appear as amicus curiae in the name of the Senate, or in the name of an officer, committee,

subcommittee, or chairman of a committee or subcommittee of the Senate in any legal action or proceeding pending in any court of the United States or of a State or political subdivision thereof in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue. The Counsel shall be authorized to intervene only if standing to intervene exists under section 2 of article III of the Constitution of the United States.

(b) Notification; publication

The Counsel shall notify the Joint Leadership Group of any legal action or proceeding in which the Counsel is of the opinion that intervention or appearance as amicus curiae under subsection (a) of this section is in the interest of the Senate. Such notification shall contain a description of the legal action or proceeding together with the reasons that the Counsel is of the opinion that intervention or appearance as amicus curiae is in the interest of the Senate. The Joint Leadership Group shall cause said notification to be published in the Congressional Record for the Senate.

(c) Powers and responsibilities of Congress

The Counsel shall limit any intervention or appearance as amicus curiae in an action or proceeding to issues relating to the powers and responsibilities of Congress.

(Pub. L. 95–521, title VII, § 706, Oct. 26, 1978, 92 Stat. 1880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288, 288b, 288k, 288*l*

§ 288f. Immunity proceedings

When directed to do so pursuant to section 288b(d) of this title, the Counsel shall serve as the duly authorized representative of the Senate or a committee or subcommittee of the Senate in requesting a United States district court to issue an order granting immunity pursuant to section 6005 of title 18.

(Pub. L. 95–521, title VII, § 707, Oct. 26, 1978, 92 Stat. 1880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 288b of this title.

§ 288g. Advisory and other functions

(a) Cooperation with persons, committees, subcommittees, and offices

The Counsel shall advise, consult, and cooperate with—

(1) the United States Attorney for the District of Columbia with respect to any criminal proceeding for contempt of Congress certified by the President pro tempore of the Senate pursuant to section 194 of this title;

(2) the committee of the Senate with the responsibility to identify any court proceeding or action which is of vital interest to the Senate;

(3) the Comptroller General, the General Accounting Office, the Office of Legislative Counsel of the Senate, and the Congressional Research Service, except that none of the responsibilities and authority assigned by this chapter to the Counsel shall be construed to affect or infringe upon any functions, powers, or duties of the aforementioned;

(4) any Member, officer, or employee of the Senate not represented under section 288c of this title with regard to obtaining private legal counsel for such Member, officer, or employee;

(5) the President pro tempore of the Senate, the Secretary of Senate, the Sergeant-at-Arms of the Senate, and the Parliamentarian of the Senate, regarding any subpena, order, or request for withdrawal of papers presented to the Senate which raises a question of the privileges of the Senate; and

(6) any committee or subcommittee of the Senate in promulgating and revising their rules and procedures for the use of congressional investigative powers and with respect to questions which may arise in the course of any investigation.

(b) Legal research files

The Counsel shall compile and maintain legal research files of materials from court proceedings which have involved Congress, a House of Congress, an office or agency of Congress, or any committee, subcommittee, Member, officer, or employee of Congress. Public court papers and other research memoranda which do not contain information of a confidential or privileged nature shall be made available to the public consistent with any applicable procedures set forth in such rules of the Senate as may apply and the interests of the Senate.

(c) Miscellaneous duties

The Counsel shall perform such other duties consistent with the purposes and limitations of this chapter as the Senate may direct.

(Pub. L. 95–521, title VII, § 708, Oct. 26, 1978, 92 Stat. 1880.)

§ 288h. Defense of certain constitutional powers

In performing any function under this chapter, the Counsel shall defend vigorously when placed in issue—

(1) the constitutional privilege from arrest or from being questioned in any other place for any speech or debate under section 6 of article I of the Constitution of the United States;

(2) the constitutional power of the Senate to be judge of the elections, returns, and qualifications of its own Members and to punish or expel a Member under section 5 of article I of the Constitution of the United States;

(3) the constitutional power of the Senate to except from publication such parts of its journal as in its judgment may require secrecy;

(4) the constitutional power of the Senate to determine the rules of its proceedings;

(5) the constitutional power of Congress to make all laws as shall be necessary and proper for carrying into execution the constitutional powers of Congress and all other

powers vested by the Constitution in the Government of the United States, or in any department or office thereof;

(6) all other constitutional powers and responsibilities of the Senate or of Congress; and

(7) the constitutionality of Acts and joint resolutions of the Congress.

(Pub. L. 95-521, title VII, § 709, Oct. 26, 1978, 92 Stat. 1881.)

§ 288i. Representation conflict or inconsistency

(a) Notification

In the carrying out of the provisions of this chapter, the Counsel shall notify the Joint Leadership Group, and any party represented or person affected, of the existence and nature of any conflict or inconsistency between the representation of such party or person and the carrying out of any other provision of this chapter or compliance with professional standards and responsibilities.

(b) Solution; publication in Congressional Record; review

Upon receipt of such notification, the members of the Joint Leadership Group shall recommend the action to be taken to avoid or resolve the conflict or insonsistency. If such recommendation is made by a two-thirds vote, the Counsel shall take such steps as may be necessary to resolve the conflict or inconsistency as recommended. If not, the members of the Joint Leadership Group shall cause the notification of conflict or inconsistency and recommendation with respect to resolution thereof to be published in the Congressional Record of the Senate. If the Senate does not direct the Counsel within fifteen days from the date of publication in the Record to resolve the conflict in another manner, the Counsel shall take such action as may be necessary to resolve the conflict or inconsistency as recommended. Any instruction or determination made pursuant to this subsection shall not be reviewable in any court of law.

(c) Computation of period following publication

For purposes of the computation of the fifteen day period in subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which the Senate is not in session because of an adjournment of more than three days to a date certain are excluded.

(d) Reimbursement

The Senate may by resolution authorize the reimbursement of any Member, officer, or employee of the Senate who is not represented by the Counsel for fees and costs, including attorneys' fees, reasonably incurred in obtaining representation. Such reimbursement shall be from funds appropriated to the contingent fund of the Senate.

(Pub. L. 95-521, title VII, § 710, Oct. 26, 1978, 92 Stat. 1882.)

§ 288j. Consideration of resolutions to direct counsel

(a) Procedure; rules

(1) A resolution introduced pursuant to section 288b of this title shall not be referred to a committee, except as otherwise required under section 288d(c) of this title. Upon introduction, or upon being reported if required under section 288d(c) of this title, whichever is later, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. A motion to proceed to the consideration of a resolution shall be highly privileged and not debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to.

(2) With respect to a resolution pursuant to section 288b(a) of this title, the following rules apply:

(A) If the motion to proceed to the consideration of the resolution is agreed to, debate thereon shall be limited to not more than ten hours, which shall be divided equally between, and controlled by, those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to the resolution shall be in order. No motion to recommit the resolution shall be in order, and it shall not be in order to reconsider the vote by which the resolution is agreed to.

(B) Motions to postpone, made with respect to the consideration of the resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(C) All appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to the resolution shall be decided without debate.

(b) Definition

For purposes of this chapter, other than section 288b of this title, the term "committee" includes standing, select, and special committees of the Senate established by law or resolution.

(c) Rules of the Senate

The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate, and, as such, they shall be considered as part of the rules of the Senate, and such rules shall supersede any other rule of the Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(Pub. L. 95-521, title VII, § 711, Oct. 26, 1978, 92 Stat. 1882.)

§ 288k. Attorney General relieved of responsibility

(a) Upon receipt of written notice that the Counsel has undertaken, pursuant to section 288c(a) of this title, to perform any representational service with respect to any designated party in any action or proceeding pending or to be instituted, the Attorney General shall—

(1) be relieved of any responsibility with respect to such representational service;

(2) have no authority to perform such service in such action or proceeding except at the request or with the approval of the Senate; and

(3) transfer all materials relevant to the representation authorized under section 288c(a) of this title to the Counsel, except that nothing in this subsection shall limit any right of the Attorney General under existing law to intervene or appear as amicus curiae in such action or proceeding.

(b) The Attorney General shall notify the Counsel with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the Senate to direct the Counsel to intervene as a party in such proceeding pursuant to section 288e of this title.

(Pub. L. 95–521, title VII, § 712, Oct. 26, 1978, 92 Stat. 1883.)

§ 288*l*. Procedural provisions

(a) Intervention or appearance

Permission to intervene as a party or to appear as amicus curiae under section 288e of this title shall be of right and may be denied by a court only upon an express finding that such intervention or appearance is untimely and would significantly delay the pending action or that standing to intervene has not been established under section 2 of article III of the Constitution of the United States.

(b) Compliance with admission requirements

The Counsel, the Deputy Counsel, or any designated Assistant Counsel or counsel specially retained by the Office shall be entitled, for the purpose of performing his functions under this chapter, to enter an appearance in any proceeding before any court of the United States or of a State or political subdivision thereof without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(c) Standing to sue; jurisdiction

Nothing in this chapter shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any officer or employee of a House of Congress or any office or agency of Congress.

(Pub. L. 95–521, title VII, § 713, Oct. 26, 1978, 92 Stat. 1883.)

§ 288m. Contingent fund

The expenses of the Office shall be paid from the contingent fund of the Senate in accordance with section 68 of this title, and upon vouchers approved by the Counsel.

(Pub. L. 95–521, title VII, § 716, Oct. 26, 1978, 92 Stat. 1885.)

CHAPTER 11—COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Chapter Referred to in Other Sections

This chapter is referred to in section 31 of this title; title 3 section 104; title 5 sections 5312 to 5316; title 28 sections 5, 44, 135, 154, 173, 213, 252, 634, 792.

§ 356. Functions of Commission

The Commission shall conduct, in each of the respective fiscal years referred to in section 352(2) and (3) of this title, a review of the rates of pay of—

[*See main edition for text of (A) and (B)*]

(C) justices, judges, and other personnel in the judicial branch referred to in section 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426) and magistrates;

[*See main edition for text of (D) and (E), and last sentence*]

(As amended Pub. L. 95–598, title III, § 301, Nov. 6, 1978, 92 Stat. 2673.)

Amendments

1978—Par. (C). Pub. L. 95–598 struck out reference to section 402(d) and inserted reference to magistrates.

Effective Date of 1978 Amendment

Amendment of par. (C) effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598 set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Section Referred to in Other Sections

This section is referred to in section 359 of this title.

§ 356a. Omitted

Codification

Section, Pub. L. 94–440, title II, § 100, Oct. 1, 1976, 90 Stat. 1446, which provided salary rate limitations for positions or offices referred to in section 356 of this title, was omitted because it applied to fiscal year 1977. See decision B–145492 of the Comptroller General of the United States, dated Sept. 21, 1976. Pub. L. 94–440, title II, § 100, is now set out as a note under section 5318 of Title 5, Government Organization and Employees.

§ 358. Recommendations of the President to Congress

Section Referred to in Other Sections

This section is referred to in section 31 of this title; title 11 section 68; title 28 sections 5, 44, 135, 173, 213, 252, 792.

§ 359. Effective date of Presidential recommendations

(1) Within sixty calendar days of the submission of the President's recommendations to the Congress, each House shall conduct a separate vote on each of the recommendations of the President with respect to the offices and positions described in subparagraphs (A), (B), (C), and (D) of section 356 of this title, and shall thereby approve or disapprove the recommendations of the President regarding each such subparagraph. Such votes shall be recorded so as to reflect the votes of each individual

Member thereon. If both Houses approve by majority vote the recommendations pertaining to the offices and positions described in any such subparagraph, the recommendations shall become effective for the offices and positions covered by such subparagraph at the beginning of the first pay period which begins after the thirtieth day following the approval of the recommendation by the second House to approve the recommendation.

(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

(As amended Pub. L. 95-19, title IV, § 401(a), Apr. 12, 1977, 91 Stat. 45.)

AMENDMENTS

1977—Par. (1). Pub. L. 95-19 substituted provisions directing each house of the Congress to conduct a separate vote within sixty days on each Presidential recommendation with respect to the offices and positions described in section 356(A), (B), (C), and (D) of this title, with the votes to be recorded so as to reflect the votes of each individual member and with each recommendation, if approved, to become effective for the offices and positions covered at the beginning of the first pay period which begins after the thirtieth day following the approval of the recommendation by the second house of the Congress to approve the recommendation, for provisions directing that all or part of the recommendations of the President transmitted to the Congress in the budget under section 358 of this title be effective at the beginning of the first pay period beginning after the thirtieth day following the transmittal of the recommendations to the budget, but only to the extent that, between the date of transmittal of the recommendations in the budget and the beginning of the pay period, there has not been enacted into law a statute establishing rates of pay other than the rates set in the recommendation, neither house of the Congress specifically disapproves all or part of the recommendations, or both.

Par. (2). Pub. L. 95-19 re-enacted par. (2) without change.

§ 360. Effect of Presidential recommendations on existing law and prior recommendations

The recommendations of the President transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in section 352(2) and (3) of this title shall, if approved by the Congress as provided in section 359 of this title, be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted in the period specified in paragraph (1) of section 359 of this title with respect to such recommendations), and

(B) any prior recommendations of the President which take effect under this chapter.

(As amended Pub. L. 95-19, title IV, § 401(b), Apr. 12, 1977, 91 Stat. 46.)

AMENDMENTS

1977—Pub. L. 95-19 inserted ", if approved by the Congress as provided in section 359 of this title,".

CHAPTER 14—FEDERAL ELECTION CAMPAIGNS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 61a-9, 707 of this title; title 18 section 591; title 28 App. section 308; title 39 section 3210.

SUBCHAPTER I—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

§ 431. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 58, 437a of this title; title 22 section 901a; title 42 sections 2943, 5043.

§ 434. Reports by political committees and candidates

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 431, 436, 707 of this title; title 28 App. section 308.

§ 439. Statements filed with State officers

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 703 of this title.

§ 439c. Authorization of appropriations

There are authorized to be appropriated to the Commission for the purpose of carrying out its functions under this Act, and under chapters 95 and 96 of title 26, not to exceed $5,000,000 for the fiscal year ending June 30, 1975. There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $6,000,000 for the fiscal year ending September 30, 1977, and $7,811,500 for the fiscal year ending September 30, 1978.

(As amended Pub. L. 95-127, Oct. 12, 1977, 91 Stat. 1110.)

AMENDMENTS

1977—Pub. L. 95-127 added provisions authorizing appropriations of $7,811,500 for the fiscal year ending Sept. 30, 1978.

§ 441i. Acceptance of excessive honorariums

(a) Prohibited practices

No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

(1) any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article; or

(2) honorariums (not prohibited by paragraph (1) of this section) aggregating more than $25,000 in any calendar year.

(b) Payment of honorarium to charitable organization; definition

If an honorarium payable to a person is paid instead at his request to a charitable organiza-

tion selected by payor from a list of 5 or more charitable organizations provided by that person, that person shall not be treated, for purposes of subsection (a) of this section, as accepting that honorarium. For purposes of this subsection, the term "charitable organization" means an organization described in section 170(c) of title 26.

(c) Aggregate amount received during any calendar year

For purposes of determining the aggregate amount of honorariums received by a person during any calendar year, amounts returned to the person paying an honorarium before the close of the calendar year in which it was received shall be disregarded.

(d) Time of acceptance of honorarium

For purposes of paragraph (2) of subsection (a) of this section, an honorarium shall be treated as accepted only in the year in which that honorarium is received.

(As amended Pub. L. 95-216, title V, § 502(a), Dec. 20, 1977, 91 Stat. 1565.)

AMENDMENTS

1977—Pub. L. 95-216 designated existing provisions as subsec. (a) and added subsecs. (b), (c), and (d).

EFFECTIVE DATE OF 1977 AMENDMENT

Section 502(b) of Pub. L. 95-216 provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to any honorarium received after December 31, 1976."

SUBCHAPTER II—GENERAL PROVISIONS

§ 451. Extension of credit by regulated industries; regulations

TERMINATION OF CIVIL AERONAUTICS BOARD AND TRANSFER OF CERTAIN FUNCTIONS

All functions, powers, and duties of the Civil Aeronautics Board were terminated or transferred by Pub. L. 95-504, § 40(a), Oct. 24, 1978, 92 Stat. 1744, effective on or before Jan. 1, 1985. See section 1551 of Title 49, Transportation.

CHAPTER 18—LEGISLATIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS [NEW]

Sec.
701. Legislative personnel financial disclosure.
- (a) Members of Congress.
- (b) Officers and employees.
- (c) Non-legislative personnel; effective date.
- (d) Congressional candidates.
- (e) Covered officers and employees; legislative branch.
- (f) Extensions of time to file.
- (g) Congressional candidates in 1978.

702. Contents of reports.
- (a) Members of Congress; legislative officers and employees.
- (b) Non-legislative personnel; Congressional candidates.
- (c) Categories of value; interests in real property and other items needing appraisals.
- (d) Information respecting spouses and dependent children.
- (e) Trusts or other financial arrangements; qualified blind trust.
- (f) Political campaign funds.

703. Filing of reports.
- (a) Persons filing with the Clerk.
- (b) Persons filing with the Secretary.
- (c) State copies.
- (d) Committee copies.
- (e) Federal Election Commission assistance.
- (f) Reporting forms; rules and regulations.

704. Accessibility of reports.
- (a) Duty of Clerk.
- (b) Duty of Secretary.
- (c) Copies; fees.
- (d) Duration.
- (e) Unlawful uses; civil action; penalty.

705. Review and compliance procedures.
706. Failure to file or filing false reports.
707. Definitions.
708. State laws affected.
709. Study by Comptroller General.

§ 701. Legislative personnel financial disclosure

(a) Members of Congress

Each Member in office on May 15 of a calendar year shall file on or before May 15 of that calendar year a report containing the information as described in section 702(a) of this title.

(b) Officers and employees

Any individual who is an officer or employee of the legislative branch designated in subsection (e) of this section during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information as described in section 702(a) of this title.

(c) Non-legislative personnel; effective date

Within thirty days of assuming the position of an officer or employee designated in subsection (e) of this section, an individual other than an individual employed in the legislative branch upon assuming such position shall file a report containing the information as described in section 702(b) of this title unless the individual has left another position designated in subsection (e) of this section within thirty days prior to assuming his new position. This subsection shall take effect on January 1, 1979.

(d) Congressional candidates

Within thirty days of becoming a candidate in a calendar year for any election for the office of Member, or on or before May 15 of that calendar year, whichever is later, but in no event later than seven days prior to the election, and on or before May 15 of each successive year the individual continues to be a candidate, an individual shall file a report containing the information as described in section 702(b) of this title.

(e) Covered officers and employees; legislative branch

The officers and employees referred to in subsections (b) and (c) of this section are—

(1) each officer or employee of the legislative branch who is compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule; and

(2) at least one principal assistant designated for purposes of this section by each

Member who does not have an employee compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS–16 of the General Schedule.

For the purposes of this chapter, the legislative branch includes the Architect of the Capitol, the Botanic Gardens, the Congressional Budget Office, the Cost Accounting Standards Board, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of the Attending Physician, and the Office of Technology Assessment.

(f) Extensions of time to file

Reasonable extensions of time for filing any report may be granted by the designated committee of the Senate with respect to those filing with the Secretary and by the designated committee of the House of Representatives with respect to those filing with the Clerk but in no event may the extension granted to a Member or candidate result in a required report being filed later than seven days prior to an election involving the Member or candidate. If the day on which a report is required to be filed falls on a weekend or holiday, the report may be filed on the next business day.

(g) Congressional candidates in 1978

Notwithstanding the dates specified in subsection (d) of this section, an individual who is a candidate in calendar year 1978 shall file the report required by such subsection not later than November 1, 1978, except that a candidate for the Senate who has filed a report as of such date pursuant to the Rules of the Senate need not file the report required by subsection (d) of this section.

(Pub. L. 95–521, title I, § 101, Oct. 26, 1978, 92 Stat. 1824.)

REFERENCES IN TEXT

GS–16 of the General Schedule, referred to in subsec. (e) (1), (2), is set out under section 5332 of Title 5, Government Organization and Employees.

SHORT TITLE

Section 1 of Pub. L. 95–521 provided: "That this Act [enacting this chapter, sections 118a, 288 to 288m of this title, sections 49, 528, 529, 591 to 598, 1364 of Title 28, Judiciary and Judicial Procedure, and provisions set out in the Appendix to Title 5, Government Organization and Employees and the Appendix to Title 28, amending section 5316 of Title 5, section 207 of Title 18, Crimes and Criminal Procedure, and sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under section 288 of this title, section 207 of Title 18, and section 591 of Title 28] may be cited as the 'Ethics in Government Act of 1978'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 702, 703, 704, 706 of this title.

§ 702. Contents of reports

(a) Members of Congress; legislative officers and employees

Each report filed pursuant to subsections (a) and (b) of section 701 of this title shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $100 or more in value.

(B) The source and type of income which consists of dividends, interest, rent, and capital gains, received during the preceding calendar year which exceeds $100 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

(i) not more than $1,000,

(ii) greater than $1,000 but not more than $2,500,

(iii) greater than $2,500 but not more than $5,000,

(iv) greater than $5,000 but not more than $15,000,

(v) greater than $15,000 but not more than $50,000,

(vi) greater than $50,000 but not more than $100,000, or

(vii) greater than $100,000.

(2)(A) The identity of the source and a brief description of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph.

(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph. A gift need not be so aggregated if in an unusual case, a publicly available request for a waiver is granted.

(C) The identity of the source and a brief description of reimbursements received from any source aggregating $250 or more in value and received during the preceding calendar year.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a relative or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other

than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse;

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale, or exchange during the preceding calendar year which exceeds $1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6) The identity of all positions on or before the date of filing during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This paragraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to: (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(b) Non-legislative personnel; Congressional candidates

Each report filed pursuant to subsections (c) and (d) of section 701 of this title shall include a full and complete statement with respect to the information required by paragraphs (3), (4), (6), and (in the case of reports filed pursuant to subsection (c) of section 701 of this title) (7) of subsection (a) of this section, as of a date, specified in such report, which shall be not more than thirty-one days prior to the date of filing, and the information required by paragraph (1) of subsection (a) of this section for the year of filing and the preceding calendar year.

(c) Categories of value; interests in real property and other items needing appraisals

(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4) and (5) of subsection (a) of this section are as follows:

(A) not more than $5,000;

(B) greater than $5,000 but not more than $15,000;

(C) greater than $15,000 but not more than $50,000;

(D) greater than $50,000 but not more than $100,000;

(E) greater than $100,000 but not more than $250,000; and

(F) greater than $250,000.

(2) For the purposes of paragraph (3) of subsection (a) of this section if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) of this section is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(d) Information respecting spouses and dependent children

(1) Except as provided in the last sentence of this paragraph, each report shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and, with respect to a spouse or dependent child, all information required to be reported in subsection (a)(1)(B) of this section with respect to income derived from any asset held by the spouse or dependent child and reported pursuant to paragraph (3). With respect to earned income, if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) In the case of any gift which is not received totally independent of the spouse's re-

lationship to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment or a brief description and the value of other gifts.

(C) In the case of any reimbursement which is not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of the reimbursement.

(D) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Each report referred to in subsection (b) of this section shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a) of this section, as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(e) Trusts or other financial arrangements; qualified blind trust

(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a) and (b) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3)); or

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of,

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, his spouse, or any dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A) The trustee of the trust is a financial institution, an attorney, a certified public accountant, or a broker, who (in the case of a financial institution or investment company, any officer or employee involved in the management or control of the trust who)—

(i) is independent of and unassociated with any interested party so that the trustee cannot be controlled or influenced in the administration of the trust by any interested party,

(ii) is or has not been an employee of any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party, and

(iii) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1)(B) of this section but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested

party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

For purposes of this subsection "interested party" means a reporting individual, his spouse, and any dependent child if the reporting individual, his spouse, or dependent child has a beneficial interest in the principal or income of a qualified blind trust; "broker" has the meaning set forth in section 78 of title 15; and "supervising ethics office" means the designated committee of the House of Representatives for those who file their reports required by this chapter with the Clerk and the designated committee of the Senate for those who file the reports required by this chapter with the Secretary.

(4) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of section 208 of title 18, and any other conflict of interest statutes or regulations of the Federal Government, until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (c)(1) of this section.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (c)(1) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (c) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 704 of this title, and the provisions of that section shall apply.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly or negligently (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection, or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

(ii) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $1,000.

(7) Any trust which is in existence prior to October 26, 1978, shall be considered a qualified blind trust if—

(A) the supervising ethics office determines that the trust was a good faith effort to establish a blind trust;

(B) the previous trust instrument is amended or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and

(C) a copy of the trust instrument (except testamentary provisions), a list of the assets previously transferred to the trust by an interested party and the category of value of each such asset at the time it was placed in the trust, and a list of assets previously placed in the trust by an interested party which have been sold are filed and made available to the public as provided under paragraph (5) of this subsection.

(f) Political campaign funds

Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this chapter.

(Pub. L. 95-521, title I, § 102, Oct. 26, 1978, 92 Stat. 1825.)

REFERENCES IN TEXT

Section 78 of title 15, referred to in subsec. (e)(3), probably means section 78c of Title 15, Commerce and Trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 701, 706 of this title.

§ 703. Filing of reports

(a) Persons filing with the Clerk

The reports required by section 701 of this title of Representatives, Delegates to Congress, the Resident Commissioner from Puerto Rico, officers and employees of the House, candidates seeking election to the House, and officers and employees of the Architect of the Capitol, the Botanic Gardens, the Congressional Budget Office, the Government Printing Office, and the Library of Congress shall be filed with the Clerk.

(b) Persons filing with the Secretary

The reports required by section 701 of this title of Senators, officers and employees of the Senate, candidates seeking election to the Senate, and officers and employees of the General Accounting Office, the Cost Accounting Standards Board, the Office of Technology Assessment, and the Office of the Attending Physician shall be filed with the Secretary.

(c) State copies

A copy of each report filed by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk or Secretary, as the case may be, to the appropriate State officer as designated in accordance with section 439(a) of this title of the State represented by the Member or in which the individual is a candidate, as the case may be, within the seven-day period beginning the day that the report is filed with the Clerk or Secretary.

(d) Committee copies

(1) A copy of each report filed under this chapter with the Clerk shall be sent by the Clerk to the designated committee of the House of Representatives within the seven-day period beginning the day that the report is filed.

(2) A copy of each report filed with the Secretary shall be sent by the Secretary to the designated committee of the Senate.

(e) Federal Election Commission assistance

In carrying out their responsibilities under this chapter, the Clerk and the Secretary shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

(f) Reporting forms; rules and regulations

In order to carry out responsibilities under this chapter—

(1) the Clerk shall, after consultation with the designated committee of the House of Representatives, and

(2) the designated committee of the Senate shall develop reporting forms and may promulgate rules and regulations.

(Pub. L. 95-521, title I, § 103, Oct. 26, 1978, 92 Stat. 1831.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 705 of this title.

§ 704. Accessibility of reports

(a) Duty of Clerk

Except as provided in the second sentence of this subsection, within fifteen calendar days after a report is filed with the Clerk under this chapter, the Clerk shall make such report available for public inspection at reasonable hours. With respect to reports required to be filed by May 15 of any year, such reports shall be made available for public inspection within fifteen calendar days after May 15 of such year. A copy of any such report shall be provided by the Clerk to any person upon request.

(b) Duty of Secretary

Except as provided in the second sentence of this subsection, within fifteen days after a report is filed with the Secretary under this chapter, the Secretary shall make such report available for public inspection at reasonable hours. With respect to reports required to be filed by May 15 of any year, such reports shall be made available for public inspection within fifteen calendar days after May 15 of such year. A copy of any such report shall be provided by the Secretary to any person upon request.

(c) Copies; fees

Any person requesting a copy of a report may be required to pay a reasonable fee to cover the cost of reproduction or mailing of such report, excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined by the Clerk or Secretary that waiver or reduction of the fee is in the public interest because furnishing the information may be considered as primarily benefiting the public.

(d) Duration

Any report filed under this chapter with the Clerk or Secretary shall be available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of

an individual who filed the report pursuant to section 701(d) of this title and was not subsequently elected, such reports shall be destroyed one year after the individual is no longer a candidate for election to the office of Member unless needed in an ongoing investigation.

(e) Unlawful uses; civil action; penalty

(1) It shall be unlawful for any person to obtain or use a report—

(A) for any unlawful purpose;

(B) for any commercial purpose other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1). The court in which such action is brought may assess against such person a penalty in any amount not to exceed $5,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(Pub. L. 95–521, title I, § 104, Oct. 26, 1978, 92 Stat. 1832.)

§ 705. Review and compliance procedures

(a) The designated committee of the House of Representatives and the designated committee of the Senate shall establish procedures for the review of reports sent to them under section 703(d)(1) of this title and section 703(d)(2) of this title to determine whether the reports are filed in a timely manner, are complete, and are in proper form. In the event a determination is made that a report is not so filed, the appropriate committee shall so inform the reporting individual and direct him to take all necessary corrective action.

(b) In order to carry out their responsibilities under this chapter the designated committee of the House of Representatives and the designated committee of the Senate, have power, within their respective jurisdictions, to render any advisory opinion interpreting this chapter, in writing, to persons covered by this chapter. Notwithstanding any other provisions of law, the individual to whom a public advisory opinion is rendered in accordance with this subsection, and any other individual covered by this chapter who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of the advisory opinion, acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any sanction provided in this chapter.

(Pub. L. 95–521, title I, § 105, Oct. 26, 1978, 92 Stat. 1833.)

§ 706. Failure to file or filing false reports

The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 702 of this title. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000. No action may be brought under this section against any individual with respect to a report filed by such individual in calendar year 1978 pursuant to section 701(d) of this title.

(Pub. L. 95–521, title I, § 106, Oct. 26, 1978, 92 Stat. 1833.)

§ 707. Definitions

For the purposes of this chapter, the term—

(1) "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; net and gross income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(2) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law,[1] daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

(3) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by State and local governments, or political subdivisions thereof, by a foreign government within a foreign country, or by the United States Government;[2]

(D) food and beverages consumed at banquets, receptions, or similar events;

(E) consumable products provided by home-State businesses to a Member's office for distribution; or

(F) communications to the offices of a reporting individual including subscriptions to newspapers and periodicals;

(4) "honoraria" has the meaning given such term in the Federal Election Campaign Act of 1971 [2 U.S.C. 431 et seq.];

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[1] Comma inserted editorially.

[2] Semicolon substituted for period editorially.

(5) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual;

(6) "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(7) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of title 26;

(8) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or any State or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of title 5; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(9) "candidate" means an individual, other than a Member, who seeks nomination for election, or election, to the Congress whether or not such individual is elected, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, (A) if he has taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) if he or his principal campaign committee has taken action to register or file campaign reports required by section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a);

(10) "Clerk" means the Clerk of the House of Representatives;

(11) "Secretary" means the Secretary of the Senate;

(12) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) "election" means (A) a general, special, primary, or runoff election, or (B) a convention or caucus of a political party which has authority to nominate a candidate;

(14) "officer or employee of the House" means any individual, other than a Member, whose compensation is disbursed by the Clerk;

(15) "officer or employee of the Senate" means an individual, other than a Senator or the Vice President, whose compensation is disbursed by the Secretary; and

(16) "designated committee of the House of Representatives and designated committee of the Senate" means the committee of the House or Senate, as the case may be, assigned responsibility for administering the reporting requirements of this chapter.

(Pub. L. 95-521, title I, § 107, Oct. 26, 1978, 92 Stat. 1834.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971, as amended, referred to in par. (4), is Pub. L. 92-225, Feb. 11, 1972, 85 Stat. 3, as amended, which is classified principally to chapter 14 (§ 431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under 431 of this title and Tables.

§ 708. State laws affected

The provisions added by this chapter, and the regulations issued thereunder, shall supersede and preempt any State or local law with respect to financial disclosure by reason of candidacy for Federal office or employment by the United States Government.

(Pub. L. 95-521, title I, § 108, Oct. 26, 1978, 92 Stat. 1835.)

§ 709. Study by Comptroller General

(a) Before November 30, 1980, and regularly thereafter, the Comptroller General of the United States shall conduct a study to determine whether this chapter is being carried out effectively and whether timely and accurate reports are being filed by individuals subject to this chapter.

(b) Within thirty days after completion of the study, the Comptroller General shall transmit a report to each House of Congress containing a detailed statement of his findings and conclusions, together with his recommendations for such legislative and administrative actions as he deems appropriate. The first such study shall include the Comptroller General's findings and recommendations on the feasibility and potential need for a requirement that systematic random audits be conducted of financial disclosure reports filed under this chapter, including a thorough discussion of the type and nature of audits that might be conducted; the personnel and other costs of audits; the value of an audit to Members, the appropriate House and Senate committees, and the public; and, if conducted, whether a governmental or nongovernmental unit should perform the audits, and under whose supervision.

(Pub. L. 95-521, title I, § 109, Oct. 26, 1978, 92 Stat. 1836.)